United Nations S/PV.4055

Security Council
Fifty-fourth Year

Provisional

4055th Meeting
Friday, 22 October 1999, 1.25 p.m.
New York

President:	Mr. Lavrov	(Russian Federation)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Saleh
	Brazil	Mr. Cordeiro
	Canada	Mr. Fowler
	China	Mr. Shen Guofang
	France	Mr. Doutriaux
	Gabon	Mr. Eboumy
	Gambia	Mr. Faal
	Malaysia	Mr. Kamal
	Namibia	Mr. Andjaba
	Netherlands	Mr. Hamer
	Slovenia	Ms. Štiglic
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Burleigh

Agenda

The situation in Afghanistan

Report of the Secretary-General (S/1999/994)

99-86209 (E)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 1.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

Report of the Secretary-General (S/1999/994)

The President (*spoke in Russian*): I should like to inform the Council that I have received a letter from the representative of Afghanistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhâdi (Afghanistan) took a seat at the Council table.

The President (*spoke in Russian*): The Security Council will now begin its consideration of the item on its agenda.

The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation in Afghanistan, document S/1999/994.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council has considered the report of the Secretary-General concerning the situation in Afghanistan and its implications for international peace and security of 21 September 1999 *(A/54/378-S/1999/994)*.

"The Security Council reiterates its grave concern at the continued Afghan conflict, which is a serious and growing threat to regional and international peace and security. It strongly condemns the Taliban for the launching in July 1999, only one week after the meeting of the 'Six plus Two' group in Tashkent, of a new offensive, despite the repeated demands by the Council to cease fighting. This has undermined international efforts to facilitate the restoration of peace in Afghanistan. The fighting following the offensive has resulted in enormous suffering to the civilian population of Afghanistan. The Taliban has a primary responsibility for this.

"The Security Council reiterates that there is no military solution to the conflict in Afghanistan and that only a negotiated political settlement aimed at the establishment of a broad-based, multi-ethnic and fully representative government acceptable to all Afghans can lead to peace and reconciliation. It recalls its demand that the parties to the conflict, especially the Taliban, resume negotiations under United Nations auspices without delay and preconditions in full compliance with the relevant resolutions of the General Assembly and the Council. The Council notes that the United Front of Afghanistan have repeatedly made clear that they are willing to talk with the Taliban in order to reach a solution to the country's problems.

"The Security Council reiterates that outside interference in the internal affairs of Afghanistan, including the involvement of foreign combatants and military personnel and the supply of weapons and other materials used in the conflict, should cease immediately. It calls upon all States to take resolute measures to prohibit their military personnel from planning and participating in combat operations in Afghanistan, and immediately to withdraw their personnel and to assure that the supply of ammunition and other war-making materials is halted. The Council expresses its deep distress over reports indicating the involvement in the fighting in Afghanistan, on the side of the Taliban forces, of thousands of non-Afghans nationals, mostly from religious schools and some of whom are below the age of 14.

"The Security Council reaffirms its full support for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan (UNSMA) and those of the Special Envoy of the Secretary-General for Afghanistan, in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the

conflict and all segments of Afghan society, and reiterates its position that the United Nations must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict.

"The Security Council expresses its grave concern at the seriously deteriorating humanitarian situation in Afghanistan. It calls upon all Afghan parties, and in particular the Taliban, to take the necessary steps to secure the uninterrupted supply of humanitarian aid to all in need of it and in this connection not to create impediments to the activities of the United Nations humanitarian agencies and international humanitarian organizations.

"The Security Council once again urges all Afghanfactions to cooperate fully with UNSMA and international humanitarian organizations, and calls upon them, in particular the Taliban, to take the necessary steps to ensure the safety and freedom of movement of such personnel.

"The Security Council welcomes the Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan (A/54/174-S/1999/812, annex) adopted by the 'six plus two' group on 19 July 1999 in Tashkent, particularly the agreement of members of the group not to provide military support to any Afghan party and to prevent the use of their territories for such purposes. It urges the members of the group and the Afghan factions to implement these principles in support of the efforts of the United Nations towards a peaceful resolution of the Afghan conflict.

"The Security Council strongly condemns the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of terrorists and planning of terrorist acts, and reaffirms its conviction that the suppression of international terrorism is essential for the maintenance of international peace and security. It insists that the Taliban cease the provision of sanctuary and training for international terrorists and their organizations, take effective measures to ensure that the territory under its control is not used for terrorist installations and camps or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice. The Council demands once again that the Taliban turn over indicted terrorist Usama bin Laden to appropriate authorities as set out in its resolution 1267 (1999) of 15 October 1999. It reaffirms its decision to implement on 14 November 1999 the measures contained in that resolution, unless the Secretary-General reports that the Taliban has fully complied with the obligation set out in paragraph 2 of that resolution.

"The Security Council is deeply disturbed also by a significant increase in the cultivation, production and trafficking of drugs in Afghanistan, especially in areas controlled by the Taliban, which will contribute to the war-making capabilities of the Afghans and will have even more serious international consequences. It demands that the Taliban, as well as others, halt all illegal drug activities. The Council calls upon Member States, in particular those neighbouring Afghanistan, and all others concerned to undertake concerted measures to stop the trafficking of illegal drugs from Afghanistan.

"The Security Council deplores the worsening human rights situation in Afghanistan. It expresses particular alarm at the continuing disregard by the Taliban of the concerns expressed by the international community. The Council underlines the unacceptability of the forced displacement of the civilian population, in particular that conducted by the Taliban during their recent offensive, summary executions, the deliberate abuse and arbitrary detentions of civilians, violence and continuing discrimination against women and girls, the separation of men from their families, the use of child soldiers, the widespread burning of crops and destruction of homes, the indiscriminate bombing and other violations of human rights and international humanitarian law in Afghanistan. It calls upon all Afghan parties, especially the Taliban, to put an end to such practices, to adhere to the international norms and standards in this sphere, to take urgent measures to improve the human rights situation and, as an immediate first step, to ensure the protection of civilians.

"The Security Council reiterates that the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of the Iranian diplomats and a journalist in Mazare-Sharif constitute flagrant violations of international law. It demands that the Taliban cooperate fully with the

United Nations in investigating these crimes with a view to prosecuting those responsible.

"The Security Council looks forward to the Secretary-General's next report on the situation in Afghanistan, and encourages him to review options for the Security Council and the General Assembly.

"The Security Council deplores the failure of the leadership of the Taliban to take measures to comply with the demands made in its previous resolutions, especially to conclude a ceasefire and to resume negotiations, and in this context reaffirms its readiness to consider the imposition of measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving the full implementation of its relevant resolutions."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1999/29.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.35 p.m.

United Nations S/PV.4056

Security Council
Fifty-fourth Year

Provisional

4056th Meeting
Friday, 22 October 1999, 1.35 p.m.
New York

President:	Mr. Lavrov	(Russian Federation)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Saleh
	Brazil	Mr. Cordeiro
	Canada	Mr. Fowler
	China	Mr. Shen Guofang
	France	Mr. Dejammet
	Gabon	Mr. Ebouny
	Gambia	Mr. Faal
	Malaysia	Mr. Kamal
	Namibia	Mr. Theron
	Netherlands	Mr. Hamer
	Slovenia	Ms. Štiglic
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Burleigh

Agenda

The situation in the Central African Republic

Eighth report of the Secretary-General on the United Nations Mission in the Central African Republic (S/1999/1038)

99-86215 (E)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 1.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Central African Republic

Eighth report of the Secretary-General on the United Nations Mission in the Central African Republic (S/1999/1038)

The President *(spoke in Russian)*: I should like to inform the Council that I have received a letter from the representative of the Central African Republic, in which she requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mrs. Kpongo (Central African Republic) took a seat at the Council table.

The President *(spoke in Russian)*: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the eighth report of the Secretary-General on the United Nations Mission in the Central African Republic, document S/1999/1038.

Members of the Council also have before them document S/1999/1078, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Mr. Burleigh (United States of America): The United States will join consensus to extend the mandate of the United Nations Mission in the Central African Republic (MINURCA) for a three-month period.

Since its establishment two years ago, MINURCA has helped create a much improved security situation in the Central African Republic. This, in turn, allowed the Government to conduct a peaceful presidential election on 19 September and to begin implementing much needed reforms. In this regard, we commend the Secretary-General's Special Representative, Ambassador Adeniji, and the men and women of MINURCA for their outstanding efforts.

Much work, however, remains to be done in the Central African Republic — not by MINURCA, but by the Government and people themselves. MINURCA's job is essentially completed and it is now time for the people of the Central African Republic and their elected representatives to continue the process of military and economic reform. Specifically, we would encourage further military restructuring, demobilization and strict adherence to the International Monetary Fund programme, which includes the regular payment of salaries to soldiers and other Government employees.

MINURCA will end on 15 February 2000. The need for a smooth transition to non-assessed post-conflict institution-building is paramount, in our view. MINURCA's troops must begin to withdraw immediately. Departure cannot be delayed until the end of this extension. It is also vital that the United Nations take steps as soon as possible to formulate a programme for the United Nations and other international donors to support reform after MINURCA departs. It is similarly important that the Government of the Central African Republic should use the next three months to complete the implementation of stabilizing reforms. The future of the Central African Republic is in the hands of the Government and its people.

My Government has opposed extensions of MINURCA's mandate in the past. We are joining the consensus today, however, because we are committed to promoting peace and security throughout Africa as a means for enhancing development and economic growth. We hope that the President and the people of the Central

African Republic can continue to make the necessary changes that will lead to lasting peace and stability.

Mr. Shen Guofang (China) (*spoke in Chinese*): Since the Security Council adopted resolution 1159 (1998) last year, which authorized the establishment of the United Nations Mission in the Central African Republic (MINURCA), the situation in the Central African Republic has remained peaceful and stable. National reconciliation has achieved positive results and work on various fronts has been proceeding in a smooth and orderly manner.

We have also noticed that various destabilizing factors still exist in the Central African Republic. National economic reconstruction and the restructuring of the Central African Armed Forces (FACA) are yet to begin.

MINURCA's continued presence in the Central African Republic for a period of time is of course highly necessary. In this regard, the Chinese delegation fully supports the recommendation of the Secretary-General to extend the mission, as well as the draft resolution of the Council based on the Secretary-General's recommendations.

We believe that the extension of the Mission and the future establishment of a United Nations office in Bangui will contribute to national reconciliation and economic reconstruction in the Central African Republic. The Chinese delegation will therefore vote in favour of the draft resolution before us.

The President (*spoke in Russian*): I shall now put to the vote the draft resolution contained in document S/1999/1078.

A vote was taken by show of hands.

In favour:

Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Russian*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1271 (1999).

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.45 p.m.

United Nations S/PV.4057

Security Council

Fifty-fourth Year

Provisional

4057th Meeting

Monday, 25 October 1999, 10 a.m.

New York

President:	Mr. Lavrov	(Russian Federation)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Duval
	China	Mr. Shen Guofang
	France	Mr. Dejammet
	Gabon	Mr. Ebourny
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Theron
	Netherlands	Mr. van Walsum
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Burleigh

Agenda

The situation in East Timor

Report of the Secretary-General on the situation in East Timor (S/1999/1024)

99-86227 (E)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in East Timor

Report of the Secretary-General on the situation in East Timor (S/1999/1024)

The President (*spoke in Russian*): I should like to inform the Council that I have received letters from the representatives of Australia, Finland, Indonesia, Japan, New Zealand, Norway, Portugal and the Republic of Korea, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Widodo (Indonesia) and Mr. Monteiro (Portugal) took seats at the Council table; Ms. Wensley (Australia), Ms. Korpi (Finland), Mr. Satoh (Japan), Mr. Powles (New Zealand), Mr. Kolby (Norway) and Mr. Lee See-young (Republic of Korea) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Russian*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation East Timor, document S/1999/1024.

Members of the Council also have before them document S/1999/1083, which contains the text of a draft resolution submitted by Brazil, Canada, Namibia, the Netherlands, Slovenia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, France, Portugal and the Russian Federation have joined as sponsors of the draft resolution.

I should like to draw the attention of the members of the Council to the following documents: S/1999/1004, letter dated 21 September, from Finland, transmitting a statement by the Presidency of the European Union on East and West Timor; S/1999/1025 and S/1999/1072, letters from the Secretary-General of 4 and 15 October 1999, respectively, transmitting letters dated 29 September and 14 October 1999 from the Permanent Representative of Australia to the Secretary-General, conveying the first and second periodic reports, respectively, of the International Force, East Timor (INTERFET).

The first speaker on my list is the representative of Portugal, on whom I now call.

Mr. Monteiro (Portugal): Portugal fully associates itself with the statement that will be delivered by Finland on behalf of the European Union.

The establishment of the United Nations Transitional Administration in East Timor (UNTAET) is the culmination of a process of self-determination for which the people of East Timor and Portugal have fought very hard and for so long. That is why we are extremely pleased that the people of East Timor have been able to express their will freely, albeit under extremely difficult circumstances, and can now start the challenging task of building their own country. In fact, the establishment of UNTAET is the best tribute the United Nations could pay to the suffering and courage of those East Timorese who have struggled and died for their cause.

Allow me here to pay a special tribute to the Secretary-General, Mr. Kofi Annan, for his important and inspirational role in moving the process of self-determination in East Timor towards its necessary conclusion.

In establishing the Transitional Administration, due consideration must be paid to the overwhelming and unequivocal decision taken by the East Timorese to rule themselves. A successful Transitional Administration will require the closest contact and constant coordination between UNTAET and the East Timorese leadership, who, in the final analysis, will have to rule their own country.

Portugal agrees entirely with the Secretary-General when he states,

> "In all elements of the functioning of the governance and public administration elements of UNTAET, the United Nations will work on the

basis of the principles of participation and capacity-building. This will involve assigning East Timorese to positions within the transitional administrative structures to be established." *(S/1999/1024, para. 47)*

We sincerely hope that this will allow for the development of a cadre of well-trained East Timorese capable of performing the administrative and public service functions necessary to support an independent East Timor. This is fundamental and will certainly be one of the elements that will in the future be used to judge the success of this operation and the capacity of the Organization to conduct similar exercises.

East Timor is a Non-Self-Governing Territory whose privileges and rights accorded to it by Article 73 of the Charter have been denied. This situation has to be reversed now.

In this context, we would like to express our support for the draft resolution to be adopted today, since it contains what we consider to be the basic requirements for a successful operation and will set down the foundations for an independent East Timor.

For its part, Portugal will continue to work together with the Secretariat to put in place on the ground an efficient and effective mechanism of coordination that will reflect its unique legal and political responsibilities.

To this end, and as he requested, we have already expressed in writing to the Secretary-General our readiness to support, within our capabilities, each and every component of UNTAET, both in terms of human and material resources.

Portugal has identified a number of areas to which it intends to make specific contributions, as requested by the United Nations. Since 27 September, the Portuguese Government has expressed its readiness to contribute assessment teams to restore basic services in a number of key sectors. I would like to recall that Portugal has already contributed to the various trust funds established to support operations in East Timor and to various humanitarian assistance initiatives.

In this respect I must single out Australia's courageous leadership of the International Force, East Timor (INTERFET), and the outstanding financial contribution of Japan, without which the successful transition of East Timor would have been much more arduous.

Our gratitude also goes out to all others who have contributed to the success of INTERFET, as well as to the Security Council, which enabled the establishment of that operation and, now, of UNTAET.

Notwithstanding the remarkable advances the process of self-determination in East Timor has experienced over the last few months, it still faces enormous difficulties on the long road ahead. The guiding lights for the months to come remain the New York Agreement of 5 May between Indonesia and Portugal and the relevant resolutions of this body and the General Assembly. In this context, we welcome the implementation by the Indonesian People's Consultative Assembly of article 6 of that Agreement by unanimously taking the necessary steps to terminate its de facto links with East Timor. We trust that the newly elected Government of Indonesia will fully assume Indonesia's responsibilities in the next stage of this process.

However, we must remain vigilant. We must ensure that not only the letter but also the spirit of the Agreement and of the resolutions is complied with in practice. To this end, it is absolutely necessary that the Security Council, first, guarantee that a rapid and effective transfer of power between INTERFET and UNTAET takes place without disruption on the ground.

Secondly, the Council must guarantee that the territorial integrity of East Timor is fully respected.

Thirdly, the Council must guarantee that humanitarian assistance is distributed to all those in need without delay, both in East Timor and Indonesia. This means, of course, free and unimpeded access for all the humanitarian organizations that will have to conduct those operations.

Fourthly, the Council must ensure that the security and safety of refugees in West Timor and other parts of Indonesia is guaranteed in accordance with international humanitarian law, and that all refugees who wish to do so are allowed to return to East Timor as soon as possible, as established by the proposal presented by the Government of Indonesia.

Fifthly, the Council must ensure that Indonesia guarantees that the territory of West Timor is not allowed to be used by its so-called militias as a platform to destabilize East Timor. In this regard, allow me to call the Council's attention to the latest report of INTERFET, in which it is clearly stated that elements of the

Indonesian security forces continue to support the militias and that the latter have made threats to INTERFET and stated their intention of controlling the western regencies. These are worrying developments, and at this moment, when the Security Council is considering a draft resolution of historic importance, we think it useful to recall Article 25 of the Charter of the United Nations, which states that resolutions of the Security Council are legally binding on all Member States.

Establishing UNTAET is a fundamental step in the right direction. The creation of a multidisciplinary force which includes elements from virtually all main agencies of the United Nations family is, to us, the right approach. We sincerely hope that the concerted action of the international community will help turn East Timor into a beacon of democracy, rule of law, respect for human rights, tolerance and prosperity in the region. Of course, for this to be achieved it must count on the unwavering support of all Timorese, regardless of their political opinions, in their cooperation with the United Nations.

In this regard, we consider extremely encouraging the exemplary and responsible manner in which Mr. Xanana Gusmão and the National Council of Timorese Resistance (CNRT) have responded to the crisis. In fact, without the remarkable restraint displayed by the East Timorese leadership and the degree of social organization it provided to the population, the consequences of the crisis would have been graver still.

I cannot end without expressing the profound appreciation of the Portuguese Government for the extraordinary work performed by the personnel of the United Nations Mission in East Timor (UNAMET) under the most difficult and stressful of circumstances, in particular the skilled leadership of the Special Representative of the Secretary-General, Mr. Ian Martin. Their courage and determination at the risk of their own lives are examples to us all.

I must also reiterate our sincere appreciation for the work carried out by the Personal Representative of the Secretary-General, Mr. Jamsheed Marker, and his Deputy, Mr. Francesc Vendrell.

We look forward to helping East Timor become a land of life, not of death; of hope, not of despair; of the future, not of the past. The United Nations has a crucial part to play in this process of transformation. Our vision of East Timor is one of an independent country at peace with itself and its neighbours, and fully integrated into its region. As always, Portugal stands ready to support this common endeavour.

The President (*spoke in Russian*): The next speaker inscribed on my list is the representative of Indonesia, on whom I now call.

Mr. Widodo (Indonesia): At the outset, my delegation would like to extend its sincere congratulations to you, Sir, on your assumption of the presidency of the Security Council for the month of October. We have every confidence that under your wise and able guidance the issues before the Council will be brought to a successful conclusion.

Allow me also to extend felicitations to your predecessor, Ambassador Peter van Walsum, Permanent Representative of the Netherlands, for his skilful stewardship of the Council's activities last month.

This meeting of the Security Council has been convened in the light of the decision contained in the report of the Secretary-General to establish a United Nations Transitional Administration in East Timor (UNTAET) that will be charged with overall responsibility for the administration of the territory, including executive, legislative and judicial duties. It marks the beginning of a new chapter in the lives of the East Timorese people and, hence, a moment of great significance. This is therefore a fitting moment to reflect on the developments of the past 24 years, for it was the impact of all those events that has evolved into the present situation.

Indonesia's responsibilities did not begin over the last year, or even the year before. It began more than two decades ago, when East Timor was plunged into civil war. Abandoned by its former colonial Power after more than four centuries of colonial rule, the East Timorese leaders appealed to Indonesia to accommodate the aspirations of the majority of its people. Through this act of integration with Indonesia, East Timor was finally able to seek peace and independence and set out on the challenging path to nation-building. Indonesia accepted this solemn responsibility and additional burden, even though East Timor was not part of the Dutch East Indies, out of which the Indonesian nation evolved. At this difficult and complex period of East Timorese history, Indonesia's actions reflected its sincerity and commitment to assist the East Timorese in their moment of need and to improve their quality of life along with that of the rest of the citizens of Indonesia.

Parallel to those untiring endeavors of development, Indonesia had since 1983 been earnestly engaged in a tripartite dialogue with Portugal, under the auspices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor. Indonesia, on its part, held steadfast to the position that the venue of the tripartite dialogue, despite the obstacles and challenges strewn along the way, was the only forum in which to resolve this issue. The signing of the 5 May 1999 Agreements on East Timor, a direct outcome of Indonesia's bold initiative, was not only a significant event in the conclusion of a 16-year journey but also a reflection of Indonesia's sincere efforts to reach a solution within the framework of the tripartite dialogue. These Agreements offered the East Timorese people the opportunity to decide their political future, at a time when fundamental changes were simultaneously unfolding in the rest of Indonesia. They gave the East Timorese the option to choose wide-ranging autonomy and special status within the Republic of Indonesia, or, in the alternative, a peaceful and honorable parting of the ways. On 30 August 1999, through a direct and democratic popular consultation organized and supervised by the United Nations in accordance with the 5 May 1999 Agreements, the people of East Timor made their choice: to reject the autonomy proposal.

In this difficult process, lest we forget, it was the Indonesian Government that extended full cooperation to the United Nations Mission in East Timor (UNAMET), including support at every level, to facilitate the holding of the popular consultation. It provided security personnel so that the popular consultation could be held in a peaceful and secure environment, facilitating a large voter turnout — astonishing even the United Nations — of more than 90 per cent of the registered voters. It even established a task force at the ministerial level and a task force for the holding of the popular consultation to coordinate assistance in all spheres to assist UNAMET with its mandate.

Lest we also forget, when a number of violent incidents erupted following the popular consultation, marring this historic process, the Indonesian Government immediately declared a state of military emergency, thereby establishing a legal framework to enable the armed forces to take the necessary measures to restore law and order. That decision led to an improvement of security conditions in the province. Let us not forget either that, imbued by a desire to do more, it was the Indonesian Government, following a reappraisal of the situation on the ground, that invited the assistance of the multinational force — the International Force, East Timor (INTERFET) — to restore peace and security in East Timor, to protect the people and to implement the direct result of the popular consultation. By taking this decision, the Indonesian Government once again demonstrated its firm determination to bring order and conditions of normalcy to East Timor. Indonesia continues to render its cooperation for the effective discharge of the mandate entrusted to INTERFET.

Let us recall also that the acts of arson which claimed countless Government buildings and other infrastructures, as well as the homes of both pro-integration and pro-independence supporters, profoundly affected Indonesia. For it was Indonesia that bore the financial burden of lifting the East Timorese out of an extremely backward way of life. For instance, an 80 per cent illiteracy rate, primitive agriculture, the lack of roads and housing in isolated areas — all of them the legacy of its colonial past — were some of the obstacles that had to be overcome. Over the past two decades, the Indonesian Government allocated four times more resources to these efforts than to the other Indonesian provinces.

It was also the Indonesian Government that first launched swift, massive and all-out humanitarian operations to help alleviate the plight of displaced persons. Since then, it has taken adequate measures to facilitate the operations of international humanitarian organizations.

As to reconciliation among the East Timorese people, Indonesia has supported every effort towards this end. From the convening of the two meetings of the All-Inclusive Intra-East Timorese Dialogue held at Burg Schlaining, Austria, to the Commission of Peace and Stability and the various forums of reconciliation held before the popular consultation, Indonesia has consistently initiated efforts and extended its moral and financial support. We have steadfastly maintained that two factions existed in East Timor whose divergent views have deep roots in East Timorese history. Given these complex factors, certain quarters have attempted to hold Indonesia responsible for certain incidents of violence that have taken place recently.

The Indonesian Government is deeply concerned at the unverified and often exaggerated reports of human rights violations following the popular consultation. In this regard, the Indonesian National Commission for Human Rights has established an independent

Fact-Finding Commission to investigate post-ballot human rights violations in East Timor. It has been mandated to carry out its task in a transparent manner, and its work will be open to international participation. This Fact-Finding Commission will spare no effort in investigating and clarifying the numerous reports of allegations, suspicions and rumors surrounding those incidents. Furthermore, the so-called incidents of human rights violations need to be viewed in relation to the prevailing realities. Allegations of mass killings have not been supported by even a shred of credible evidence, as reported by the media, officials of the United Nations, the International Committee of the Red Cross (ICRC), the church and other sources of information. All quarters should therefore refrain from casting aspersions on Indonesia until information has been verified and the results of impartial investigations have been made public. Likewise, self-righteous attitudes have proved, as in the past, to be of no relevance in rectifying the situation, but rather could exacerbate the problem.

In response to the reference made by the representative of Portugal concerning the INTERFET report, my delegation rejects the allegation that the Indonesian armed forces are behind the recent activities occurring in East Timor.

Through all the aforementioned challenges, Indonesia has never wavered in its commitment to the East Timorese people. It will continue to abide by its responsibility to see to it that their choice is fully respected. We will honor the outcome of the popular consultation and ensure that the separation from Indonesia is carried out in an orderly and dignified way.

In accordance with assurances by Indonesia, the decision of the popular consultation was placed before the newly elected People's Consultative Assembly. On 19 October 1999, the 1978 decree that integrated East Timor with Indonesia was formally rescinded, thus closing a chapter of history during which East Timor was Indonesia's twenty-seventh province.

The draft resolution before us is a step towards a new beginning for the East Timorese people. One of the most important tasks for UNTAET is to promote reconciliation among the East Timorese, if East Timor is to become a viable independent nation. Given that there are two factions, it is essential for UNTAET to carry out its duties with impartiality and, especially, to ensure that all sides, irrespective of their political affiliations, have a place in East Timorese society. We sincerely hope that once UNTAET is established it will learn and benefit from the experience and knowledge gained by INTERFET and UNAMET.

Finally, the Indonesian delegation would like to express its sincere appreciation and profound gratitude to the Secretary-General of the United Nations, Mr. Kofi Annan, his Personal Representative on the question of East Timor, Ambassador Jamsheed Marker, and various Member States for their manifold contributions to resolving this issue. Our task was greatly facilitated by their dedicated efforts.

The President (*spoke in Russian*): I thank the representative of Indonesia for the kind words he addressed to me.

The next speaker inscribed on my list is the representative of Australia. I invite her to take a seat at the Council table and to make her statement.

Ms. Wensley (Australia): It is with considerable pleasure that I address the Security Council on the occasion of the adoption of the draft resolution authorizing the establishment of the United Nations Transitional Administration in East Timor (UNTAET). This draft resolution is a crucial and historic step towards realizing the desire of the East Timorese people for independence, as reflected in the outcome of the ballot of 30 August organized by the United Nations.

As the transitional authority for East Timor, UNTAET is charged with the heavy responsibility of overseeing East Timor's transition to a new, independent State. In implementing this mandate, the transitional administration faces challenges that are quite simply enormous. They go well beyond the immediate and critical tasks of reconstructing East Timor's physical infrastructure and of addressing the urgent humanitarian needs of hundreds of thousands of displaced people across East Timor. UNTAET, in close consultation with the East Timorese, must also build the foundations for a democratic and stable State. It must build a constitution, a legal system and judiciary, a police force and a civil service.

The Secretary-General's comprehensive report outlines the magnitude of this task. We have no doubt that, drawing on its experience of nation-building elsewhere in the world, the United Nations will achieve these goals and create the economic and social foundations for a well-managed, stable and democratic State. Australia is fully committed to assist in this task.

UNTAET's mandate will culminate in a democratic election in which the people of East Timor will choose their first Government and then take their place formally in the community of nations. Australia looks forward to that day.

Australia shared the international community's distress at the post-ballot violence in East Timor. At the request of the Secretary-General, Australia accepted the leadership of the multinational force tasked with restoring peace and security, protecting and supporting UNAMET and facilitating the vital work of humanitarian agencies. Fifteen countries have now joined Australia in contributing forces in East Timor. We wish to acknowledge gratefully the ready cooperation Australia has received from regional countries and from other members of the international community in mounting the International Force, East Timor (INTERFET) operation, and enabling its early success. As the Council is aware from the INTERFET Commander's periodic reports, security has been restored to most of East Timor, humanitarian agencies are now able to conduct their work and the East Timorese people have begun to return to the homes from which they were driven.

Consistent with the terms of today's draft resolution, Australia looks forward to the time when the multinational force in East Timor hands over its duties to the military component of UNTAET. Australia is fully committed to continuing its active role following the handover to the UNTAET force. But we also see the maintenance of peace and security in East Timor as an ongoing responsibility of the international community. Australia urges the Member States of the United Nations to take early decisions to contribute to the UNTAET peacekeeping force or to lend their support in ways best suited to their individual circumstances.

Australia commends the Indonesian People's Consultative Assembly, which on 20 October agreed by consensus to revoke its 1978 decision incorporating East Timor into Indonesia. That decision attests to the emerging democratic spirit in Indonesia, reflected also in the 7 June general elections. Australia understands that this was a difficult decision, but the historic result upheld Indonesia's responsibilities under the 5 May tripartite Agreement. The decision in one sense marked the end of a painful national and international issue, and Australia sincerely hopes that it marks the beginning of a new and positive relationship between the peoples of Indonesia and East Timor, and also of reconciliation among the people of East Timor.

It would be remiss of me not to note that the decision on East Timor was very closely followed by the election of Abdurrahman Wahid and Megawati Soekarnoputri as President and Vice-President of the Republic of Indonesia. We welcome their election, which is part of the ongoing movement of political reform in Indonesia, and constitutes an important contribution not only to their country but to regional stability.

Australia, as a near neighbour of East Timor and a responsible member of its region and the wider international community, is committed to assisting UNTAET and the East Timorese people to prepare for independence and rebuild and develop their country. We consider this to be a long-term regional and international responsibility. We urge the international community to give early, generous support to the UNTAET Trust Fund. We pledge our cooperation to the United Nations specialized agencies, international financial donors, bilateral donors and the non-governmental organization community in the period before the birth of an independent nation, and indeed well beyond.

We congratulate all participants here today on the cooperative approach that has characterized the development and the conclusion of the draft resolution. We also congratulate the Secretary-General and his Personal Representative, Jamsheed Marker, and those who have so valiantly, strenuously and with dedication represented the United Nations on the ground in East Timor during this period. This draft resolution marks a historic day for the people of East Timor and for the United Nations efforts to build international peace and stability.

The President (*spoke in Russian*): The next speaker inscribed on my list is the representative of New Zealand. I invite him to take a seat at the Council table and to make his statement.

Mr. Powles (New Zealand): New Zealand welcomes the draft resolution by which the Council would establish a United Nations Transitional Administration in East Timor (UNTAET). This marks a significant step forward on East Timor's road to independence, the option that the overwhelming majority of East Timorese voters chose in the popular consultation conducted by the United Nations on 30 August.

New Zealand is committed to assisting the United Nations in this important task. A sizeable part of that commitment is the substantial contribution of New

Zealand Defence Force personnel to the multinational Force — the International Force, East Timor (INTERFET) — which was mandated by the Security Council under resolution 1264 (1999). As we have informed the Secretary-General, this contribution will be made available to the military component of the United Nations Transitional Administration to be authorized today. The New Zealand Government is of the view that the replacement of the multinational force by a United Nations peacekeeping force within the United Nations Transitional Administration should proceed without delay once the draft resolution has been adopted.

The reasons, symbolic and practical, for the replacement of the multinational force by the United Nations force as soon as possible, as was originally envisaged when resolution 1264 (1999) was adopted and which is now provided for by the draft resolution establishing UNTAET, are compelling. New Zealand considers in particular that the establishment of the United Nations peacekeeping force will enhance the security of the operation and allow for the burden-sharing that should rightly lie at the heart of United Nations collective security measures.

The President (*spoke in Russian*): The next speaker is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Satoh (Japan): The draft resolution before the Security Council, which would establish a United Nations Transitional Administration in East Timor (UNTAET), is a historic step towards the independence of East Timor. I would like to congratulate the East Timorese people on the progress they have thus far made in reaching their goal and to assure them that the Government and the people of Japan will extend their utmost support and cooperation to them as they work towards final independence and nation-building.

I would also like to applaud all those concerned, especially the Governments of Indonesia and of Portugal and the Secretary-General, for their efforts to realize this historic achievement. The decision of the Indonesian Government to hold a popular consultation in East Timor and the decision of the Indonesian People's Consultative Assembly to declare void the 1978 decree that integrated East Timor into Indonesia are particularly significant and highly commendable. The successful completion of the democratic presidential election in Indonesia is encouraging in this context too: it is a testimony to the continued progress of democratization in Indonesia and is in itself reassuring for the future of East Timor, which needs to develop friendly and cooperative relations with neighbouring countries, Indonesia in particular.

With the adoption of this draft resolution, the process of nation-building in East Timor will commence. The process will include the filling of the vacuum in the civil administration of East Timor as well as the longer-term goal of capacity-building and development. The process will by no means be easy. It is therefore important for the outside world to provide as much support and cooperation as possible to UNTAET and to the people of East Timor and their future government. Japan, for its part, is determined to do its best to help them in their efforts at nation-building.

It is essential for the success of nation-building that the people of East Timor overcome their present differences and achieve national reconciliation so that they can work together in unity. We also believe it vitally important for the people and the future government of East Timor to build friendly and cooperative relations with their Asian and South Pacific neighbours. Such efforts at reconciliation and cooperation, both among the people of East Timor and in their relations with the outside world, are, I am sure, what the leaders and the people of East Timor already intend to do. What the outside world must do is to encourage such efforts on the part of the East Timorese and respond to their efforts positively and productively.

UNTAET is going to face a daunting task, and it is the responsibility of the entire membership of the United Nations to make UNTAET succeed. First, we have to make UNTAET succeed in establishing law and order in East Timor. The elimination of concerns about people's safety is a precondition for nation-building. In this context, we commend the multinational Force for its thus far successful efforts to restore and maintain peace in the territory, and we pay tribute to those countries that are contributing troops to the Force.

Japan has pledged a contribution of around $100 million to the trust fund requested in the draft resolution, with a view to facilitating the participation of Asian and other developing countries in the force. As we all know, it is important for the force to have a truly multinational character, particularly with the participation of Asian countries, in order to ensure its smooth operation, and we strongly hope that the multinational character of the force will be maintained with the eventual transfer of

responsibilities from the multinational Force to the international force of UNTAET.

Needless to say, it is the responsibility of the Indonesian Government to stop any sabotage activities launched from its territory. And, given that the anti-independence militias' activities have yet to cease in East Timor, stronger efforts by the Indonesian Government to prevent any interference with East Timor are required.

Secondly, we must make UNTAET succeed in improving humanitarian conditions in East Timor. Equally important is ensuring the early return of displaced Timorese who wish to return to East Timor. This task requires the efforts not only of UNTAET but also of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian agencies as well as of non-governmental organizations. The role of the Office for the Coordination of Humanitarian Affairs in coordinating activities of various agencies is therefore particularly important in this field. Here again, the cooperation of the Indonesian Government is indispensable for the improvement of the humanitarian conditions of displaced East Timorese in West Timor and for their early return to East Timor.

Japan, for its part, will consider additional humanitarian assistance in response to the anticipated appeal by the Office for the Coordination of Humanitarian Affairs on top of the financial support of $2 million it provided to UNHCR and to the World Food Programme in the initial stage of their engagement.

Thirdly, we have to make UNTAET succeed in creating a civil administration for East Timor and in building the new nation's capacity for economic and social development. It is also important that this be done with the involvement and participation of the East Timorese people.

The responsibility of UNTAET is particularly great, not only because it will have to start from scratch but also because its will require comprehensive and long-term planning. Cooperation from the international community and from the relevant international financial institutions is critically important in this context.

Japan's commitment to help UNTAET and the future East Timorese government in their efforts at nation-building has already been stated by then Foreign Minister Masahiko Koumura in his statement in the General Assembly on 21 September, and I would like to reaffirm it here today.

Japan looks forward to the day when we will welcome an independent East Timor as a new member of the Asia-Pacific community and as a fellow Member of the United Nations. It is also our sincere hope that the independence of East Timor will become a success story of United Nations engagement. With this in mind, we will do our best to support UNTAET and the people of East Timor.

The President: (*spoke in Russian*): The next speaker on my list is the representative of Finland. I invite her to take a seat at the Council table and to make her statement.

Ms. Rasi (Finland): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia — and the associated countries Cyprus and Malta, as well as the European Free Trade Association countries members of the European Economic Area, Iceland and Liechtenstein, align themselves with this statement.

The European Union welcomes the decision of the Indonesian People's Consultative Assembly on 19 October to declare as void the 1978 decree incorporating East Timor into Indonesia. This decision is an important step in the United Nations-led process to pursue arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations.

The European Union, together with the international community, looks forward to a smooth and peaceful transition of East Timor to full independence and trusts that the Government of Indonesia will fully cooperate to this aim. In this regard, the European Union welcomes the decision by the Security Council to establish the United Nations Transitional Administration in East Timor (UNTAET).

We would also like to commend the successful deployment of the International Force, East Timor (INTERFET), and praise the contributions of those United Nations Member States who have given troops and material support to INTERFET. The participation of, and lead taken by, regional States was particularly important. The European Union wishes to pay tribute to those countries in the region who have contributed to the establishment of the operation. It clearly shows their interest in the maintenance of peace in the region. In this context, we recognize the importance of the continuing

cooperation of the Indonesian Government with the international force. Furthermore, we would like to emphasize the importance of a carefully managed transition period from INTERFET to the United Nations peacekeeping force in order to ensure continuity during this period.

The European Union remains concerned at the humanitarian situation in East and West Timor. We call upon Indonesia to cease all support to the militias in West Timor and to curb their activities, to demobilize them and to secure the border effectively. Furthermore, the European Union underlines the importance of cooperation by the Indonesian authorities with the international humanitarian agencies, in particular the Office of the United Nations High Commissioner for Refugees, to ascertain the wishes of those East Timorese in West Timor and elsewhere in Indonesia, with a view to facilitating the earliest return of those who so wish.

The European Union welcomed the resolution on East Timor adopted by the Commission on Human Rights at the special session and the subsequent decision by the United Nations Secretary-General to charge the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, with the establishment of a commission of enquiry to investigate alleged violations of international humanitarian law in East Timor. We hope that Indonesia will cooperate fully with the commission of enquiry. Finally, we would like to commend the work of the Secretary-General in pursuing the consultation process towards the independence of East Timor, and we would like to reiterate our high appreciation for the dedication and courage of UNAMET in the implementation of its mandate.

The European Union will continue to follow the situation closely and to support the work of the United Nations and the Secretary-General. The European Union will take its part in further assisting East Timor in its rehabilitation and transition to independence.

The President (*spoke in Russian*): The next speaker inscribed on my list is the representative of the Republic of Korea. I invite him to take a seat at the Council table and to make his statement.

Mr. Lee See-young (Republic of Korea): Only five months ago, in May, the long-awaited historic drama started to unfold in East Timor when the critical mass had finally been reached with the signing of the May 5 Agreement and the adoption of Security Council resolution 1236 (1999). However, at that time no one was quite sure about the prospect for the three-phased process that the international community and the parties directly concerned had just agreed to embark on together.

The adoption today of this Security Council resolution is of great significance because it demonstrates that, despite all the initial uncertainties and ensuing months of untold difficulties and unforeseen tragedies and sacrifices, we have been able to come through phases I and II in just half a year. We are now headed for phase III with a certain degree of confidence. As we stand at this important juncture, my delegation wishes to pay tribute to all those who have endeavoured tirelessly to make this happen.

First and foremost, we pay tribute to the Indonesian people and the Government of Indonesia for their courageous and monumental decision to allow the popular consultation among the East Timorese and for their recent endorsement of the outcome of this consultation in favour of independence for East Timor. Secondly, we pay tribute to the Secretary-General, Mr. Kofi Annan, for his bold and timely initiatives and crucial role and to his Personal Representative, Ambassador Marker, for his untiring efforts and invaluable contributions. Thirdly, we pay tribute to the personnel of United Nations Mission in East Timor (UNAMET) and the Office of the United Nations High Commissioner for Refugees and other humanitarian workers for their dedication, courage and hard work under dire circumstances. Finally, we pay tribute to the multinational force now in operation in East Timor under the leadership of Australia for its important accomplishments so far in restoring law and order, thus laying the groundwork for phase III.

The Security Council's authorization today to establish the United Nations Transitional Administration in East Timor (UNTAET) is indeed a huge step forward taken by the international community to embark on the daunting task of helping the East Timorese to build an independent nation from scratch: establishing law and order, facilitating the safe return of refugees and displaced persons and the effective delivery of humanitarian assistance, rehabilitating the economy, building social infrastructure and political systems and, finally, achieving reconciliation among the East Timorese themselves.

My delegation fully supports the draft resolution to be adopted this morning, and wishes to reaffirm the commitment of the Republic of Korea to join the

international community's effort to implement it in the months to come. It is in this context that my Government has already pledged to make its troop contribution readily available to the United Nations peacekeeping operation as soon as the transition has taken place.

We are also of the view that the replacement of the multinational force by the military component of UNTAET should take place as soon as practicable, in accordance with paragraph 9 of the draft resolution. Furthermore, it is imperative that UNTAET start its operation with its own military component at its full disposal, given the primary importance of establishing law and order throughout the territory of East Timor. Having already made a modest contribution to the trust fund and to the United Nations Mission in East Timor (UNAMET) during phases I and II, my Government is prepared to consider making a further contribution to UNTAET operations within its capacity.

Looking ahead, we very much hope that UNTAET will be able to fulfil its mandate as early as possible, even before the time-frame envisaged in paragraph 17 of the draft resolution, in full cooperation with Indonesia, Portugal and other contributing States, and, most important, with the full support and participation of the East Timorese people and their leadership. We believe that an early transition to full independence would be desirable not only for the East Timorese people themselves, but also from the wider perspective of ensuring peace and stability in the region as a whole and helping the Indonesians to move forward, in particular towards achieving a strong, democratic and prosperous nation.

Before concluding, I would like to express our appreciation to you, Mr. President, for having given non-members of the Security Council the opportunity to take part in the Council's proceedings. The Council is about to take very important decisions for the future of East Timor, decisions with considerable short-term and medium- to long-term implications, financial and otherwise — not only for Council members, but also for non-members of the Council that are already heavily engaged in the related United Nations activities, as well as for potential contributors. Consequently, as a matter of principle and in accordance with the letter and spirit of the Charter, we believe that in making such important decisions the Security Council should encourage wider participation by concerned Member States in the debate and in the decision-making process, with a view to enlisting from the general United Nations membership broader support and cooperation, which are indispensable for the success of any operation envisaged by such decisions.

The President (*spoke in Russian*): I would like to assure the representative of the Republic of Korea that the members of the Security Council will try by all possible means to take into account the views of all Member States in this case. It is precisely for this reason that we have held this meeting today rather than last Friday, thus giving all the non-members of the Council the opportunity to familiarize themselves with the draft resolution.

The next speaker is the representative of Norway. I invite him to take a seat at the Council table and to make his statement.

Mr. Hønningstad (Norway): Norway would like to commend the sustained efforts of the Secretary-General to find a comprehensive and internationally acceptable solution to the question of East Timor and to pursue the consultation process aimed at achieving the independence of East Timor. We would also like to reiterate our high appreciation for the dedication and courage of the United Nations Mission in East Timor (UNAMET) in the implementation of its mandate.

We welcome the 19 October decision of the Indonesian People's Consultative Assembly to declare as void earlier decrees incorporating East Timor in Indonesia. This decision is a significant step in the orderly transfer of authority in East Timor to the United Nations — as a transitional step on the way to full independence for East Timor.

We remain concerned about the grave humanitarian situation in both East and West Timor. Norway calls on the Indonesian authorities to cooperate fully with international humanitarian agencies to provide support for East Timorese refugees in West Timor and to facilitate the return to East Timor of those East Timorese in West Timor and elsewhere in Indonesia wishing to return.

Norway welcomes the decision to be taken today by the Security Council to establish the United Nations Transitional Administration in East Timor (UNTAET). We are committed to participating in the financing of UNTAET. Norway's commitment to support the people of East Timor will continue beyond the immediate humanitarian needs; we will also allocate development assistance funds for reconstruction and longer-term development needs.

The people of East Timor have taken the first steps towards full independence. They deserve the full support of the international community in this endeavour.

The President (*spoke in Russian*): It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution in document S/1999/1083. If I hear no objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I will first give the floor to those members of the Council who wish to make statements before the voting.

Mr. Eldon (United Kingdom): I would first like to associate myself with the statement made earlier in this debate by the Permanent Representative of Finland on behalf of the European Union. I can, as a result, be extremely brief.

The draft resolution on which we are about to vote today, and which the United Kingdom had the honour to pilot through the negotiations in the Council, marks the dawn of a new era for both the United Nations and East Timor.

There is a pressing need not only to rebuild East Timor after the destruction it has suffered, but also to establish and build up an administrative framework for the transition to independence. By creating an administration and a judicial system, the United Nations Transitional Administration in East Timor (UNTAET) can lay the groundwork for the independent East Timor for which its people voted so overwhelmingly.

Achieving this difficult objective will be both a major challenge and a severe test for the United Nations. First of all, it is important that UNTAET be deployed as quickly as possible. But the job must also be done right. That means that the resources of the entire United Nations system — including the funds, programmes and international financial institutions — must be mobilized, and the East Timorese people must be fully involved in every step of the process.

Finally, I should not let pass this opportunity to congratulate both the United Nations Mission in East Timor and the International Force, East Timor on difficult jobs extraordinarily well done in extremely difficult circumstances. Their performance will be the key to a smooth transition to UNTAET, which should take place as soon as possible.

The President (*spoke in Russian*): I thank the representative of the United Kingdom for his brevity. I hope that all of the other co-sponsors who wish to speak will also be brief.

Mr. Türk (Slovenia): Let me I assure you, Mr. President, that I will be relatively brief.

None among the many observers of the Security Council will fail to notice the historic character of the action the Council is about to take today. With the adoption of the draft resolution the United Nations will assume responsibilities for security and administration in East Timor and for other issues related to the transition towards self-government and East Timor's independence. This is an important event for the people of East Timor, as well as for the United Nations.

Today we have to recall that back in 1975 and 1976, about a quarter of a century ago, the Security Council and the General Assembly laid down the political and legal framework that enabled an eventual genuine and honest fulfilment of the right of the East Timorese to self-determination. The way from resolutions 384 (1975) and 389 (1976) to the present was long and arduous, and it sometimes seemed that short-term considerations of *realpolitik* had prevailed. However, the lesson relearned in the case of East Timor is precisely the opposite, and it is very clear: a people committed to the legitimate cause of self-determination can succeed.

The United Nations will now assume a huge responsibility. Rarely in the practice of the United Nations has so much had to be done by the Organization directly. It is essential that all United Nations Member States understand that their individual and collective contribution to this effort will be of decisive importance for the success of the United Nations Transitional Administration in East Timor (UNTAET) and, indeed, for the credibility of the Organization as a whole. As in several instances in the past, success will to a large extent be dependent on the resources committed to the task.

Some priorities will require immediate attention. The humanitarian situation continues to be very serious and the return of refugees needs to be accelerated. The safety and dignity of returning refugees must be ensured. The Government of Indonesia has the essential responsibility for the conditions of return of those refugees who are still in its territory. Subsequently, it will be very important that the United Nations

Administration be sufficiently sensitive to the needs of the people of East Timor. We are pleased that the draft resolution to be adopted today underlines the importance of including in UNTAET personnel with appropriate training in international humanitarian, human rights and refugee law, including child- and gender-related provisions, negotiation and communication skills, cultural awareness and civilian-military coordination.

Last but not least, the atrocities against the civilian population need to be fully investigated. The Security Council should be informed in due time about the progress of investigations. Truth is always the way towards reconciliation and justice is its guarantee. We hope that activities in the coming months will enable the United Nations to close a chapter of East Timorese history in dignity and to open a new one in a spirit of confidence, trust and realistic hope for a decent future.

Mr. Shen Guofang (China) (*spoke in Chinese*): Today, we are at a historic juncture. The Security Council is about to authorize the establishment of the United Nations Transitional Administration in East Timor (UNTAET), fully demonstrating United Nations commitment to the people of East Timor.

China, Indonesia and East Timor are all in the same region. We sincerely hope that the people of East Timor, with United Nations assistance, will be able as soon as possible to restore stability, develop their economy and establish amicable and good-neighbourly relations with their neighbours.

China fully supports UNTAET in its work and will be sending personnel to participate in it. I wish to take this opportunity to thank the Secretary-General's Personal Representative, Mr. Marker, the Special Representative of the Secretary-General, Mr. Martin, and the United Nations Mission in East Timor for the enormous amount of work they have already accomplished in very difficult circumstances. We will also fully support the new Special Representative of the Secretary-General, Mr. Vieira de Mello, in his work and we trust that he will prove worthy of all our hopes.

I also wish to note that East Timor will ultimately have to be governed by the East Timorese people themselves. The United Nations presence in East Timor is to assist that island's people to achieve independence and self-reliance. Thus, the principle of the East Timorese people's involvement as principal actor must be upheld and its wishes and choices respected. To the greatest extent feasible, locals should be fully involved and play their due role.

The Chinese delegation participated in the consultations on the draft resolution in a constructive spirit. We wish to thank the sponsors for accepting our amendments. We will vote in favour of the draft resolution before us.

Mr. Hasmy (Malaysia): My delegation believes that it is now timely for the Council to adopt the draft resolution that is before it. The people of East Timor have clearly expressed their wish to begin a new chapter in their history and this has been accepted in good faith by Indonesia, as expressed by the recent decision of the People's Consultative Assembly of that country, which is welcomed by the international community. With the adoption of this draft resolution today, the United Nations will begin the process of assuming responsibility for the transitional administration of East Timor, which will prepare the people there for independence within a few years' time.

We believe that the successful implementation of this draft resolution will require the assistance of States Members of the Organization and the full cooperation of the parties concerned, including Indonesia, whose cooperation in the process thus far has been given recognition and appreciation. The fact that the whole exercise was completed in a relatively short time from the signing of the 5 May Agreement, in spite of the many domestic constraints faced by Indonesia, is testimony to the commitment of the Indonesian leadership under former President Habibie, to whom a special tribute is due, as well as that of the current Government under President Abdurrahman Wahid and the Parliament of Indonesia.

The role of Indonesia, along with that of Portugal, is duly recognized in the draft resolution as an important element in the successful implementation of the draft resolution and the smooth functioning of the United Nations Transitional Administration in East Timor (UNTAET). In reshaping the future of East Timor, due recognition should be given to the unique role that these two countries played in the context of history and, in the case of Indonesia, also in the geopolitical context. As neither history nor geography can be denied, it is important that a future East Timor Government come to terms with these realities and begin the process of forging constructive and mutually beneficial relationships with them, especially with its important neighbour. We believe

that this relationship is also the wish and desire of both countries, particularly Indonesia, which is physically inseparable from East Timor, with which it shares both land and sea boundaries. UNTAET can assist in laying the groundwork for such cooperation.

As a regional neighbour, Malaysia looks forward to a future independent East Timor's playing a full and constructive role in regional affairs and to its integration with the region. Geography dictates that East Timor is part of either South-East Asia or the South Pacific, or of both. It is, of course, entirely up to the future Government of East Timor to determine its foreign policies predicated on what would best serve its interests. Being in close proximity to both subregions, it may well be impossible for East Timor to isolate itself from either of them, but necessary for it to be close to both.

The rebuilding and reconstruction of East Timor will require the necessary conditions of peace and stability. To this end, my delegation has stressed the importance of reconciliation among the East Timorese people as a prerequisite and therefore welcomes the inclusion of this essential element in the draft resolution. We believe that all East Timorese, of whatever political background and persuasion, have a place in a future independent East Timor. We would therefore urge UNTAET to pave the way, in close consultation with the East Timorese leadership, for a process of early reconciliation among them. We are encouraged by the initial reconciliatory remarks by Mr. Xanana Gusmão in this regard, reflecting his own statesmanlike predisposition on this matter, which, if pursued as a matter of policy by the East Timorese leadership, would augur well for the future of East Timor. The East Timorese leaders would do well to learn from the lessons of others who have been torn by internal conflict but have rebuilt their countries on the foundations of national reconciliation.

My delegation supports the earliest possible phasing in of the military component of UNTAET with the introduction of a properly constituted United Nations peacekeeping force and the phasing out of the International Force, East Timor (INTERFET), consistent with Security Council resolution 1264 (1999) and the provisions of the 5 May Agreement. Malaysia supports the Secretary-General's proposal to deploy a United Nations peacekeeping force of up to 8,950 troops and up to 200 military observers as appropriate and adequate.

Malaysia has expressed the strong wish to contribute substantially to such a force as a demonstration of its continuing strong support for United Nations peacekeeping, in which it has participated actively over the years and garnered the plaudits of the United Nations for the high professionalism of its soldiers and police. It is also a reflection of Malaysia's strong desire to assist East Timor, a regional neighbour, as it finds its feet as a new player in the community of nations, towards which process Malaysia and other regional neighbours are eager to contribute. We therefore deeply regret the doubts that have been raised in some quarters as to the appropriateness and reliability of Malaysian troops' performing a major peacekeeping role in East Timor. Our record speaks for itself.

Notwithstanding a few remaining reservations we have on the draft resolution, my delegation will vote in favour of it. We trust that its unanimous adoption by the Council will facilitate its smooth and successful implementation.

Mr. Buallay (Bahrain) (*spoke in Arabic*): The draft resolution on which we are going to vote today is of particular importance because it is related to the establishment of the United Nations Transitional Administration in East Timor (UNTAET), which will assume, *inter alia*, full responsibility for East Timor and will be granted all the legislative and executive powers necessary to carry out East Timor's to independence. On this occasion, we wish to express our appreciation for the efforts undertaken by the Secretary-General and his Special Representative in this connection.

We believe that one of the very important tasks of UNTAET will be to achieve reconciliation among the East Timorese people and to prepare East Timor for effective participation in the international community. This objective can be realized only by transcending the events of the past and looking to the future. In preparing this draft resolution, we tried to stay clear of anything that might inflame sensitivities and preferred to take a different approach based on a positive outlook and on paying tribute to the cooperation shown by the parties, particularly the Indonesian Government. Without its cooperation, this process would not have been carried out in East Timor, starting with the popular consultation and ending with the adoption of its results by the Indonesian parliament. Concomitant with the above, steps were taken by the Indonesian Government, which has proved that it can assume its full responsibilities and that it does not need to be reminded of them.

We wish to make clear our understanding of operative paragraph 12 of the draft resolution. We agree with the part of that paragraph that states that the Indonesian authorities are responsible for taking measures to ensure the return of refugees from West Timor and other parts of Indonesia to East Timor. However, we believe that the identification of the measures to be taken should be left to the Indonesian Government itself, not only because the areas mentioned are under Indonesia's control and sovereignty, but also because the Indonesian Government has demonstrated on a number of occasions that it honours its commitments. Therefore, we believe that there is no need to include the second part of operative paragraph 12.

Despite this, and in demonstration of our cooperation with the Council, we will vote in favour of the draft resolution before us today, which was accepted by Indonesia, as was stated earlier by its representative.

Mr. van Walsum (Netherlands): The Netherlands welcomes the People's Consultative Assembly's decision to revoke its earlier decree incorporating East Timor into Indonesia. We join other delegations in expressing our admiration for the sense of responsibility and realism that the People's Consultative Assembly of Indonesia has displayed in this matter. We cannot praise Indonesia, however, without at the same time reminding it of its continuing responsibility for the fate of the East Timorese refugees in West Timor and elsewhere in Indonesia. As is stated in the draft resolution, we welcome the commitment of the Indonesian Government to allow the refugees and displaced persons in West Timor and elsewhere in Indonesia who wish to do so to return to East Timor, but we also attach the greatest importance to the following paragraph, which was already mentioned by the previous speaker, and we would like to emphasize the importance of that paragraph in full. It is the responsibility of the Indonesian authorities to ensure the safety and security of all refugees and the civilian and humanitarian character of the refugee camps and settlements, in particular by curbing the violent and intimidatory activities of the militias there.

When we speak of the responsibility and tasks of the United Nations in East Timor to be exercised through the Transitional Administration, we should not forget that it is vitally important to involve the East Timorese themselves. The Netherlands is pleased to note that the draft resolution stresses the need for close consultation and cooperation with the East Timorese people. It is also important and logical that the civil United Nations Administration in East Timor focus on building the local capacity of the East Timorese to assume responsibility for their own democratic self-government.

The United Nations, which in the current stage is the indispensable Organization, should, of course, endeavour to make itself superfluous. However, the United Nations should make sure that the process of handing over responsibilities to the East Timorese is carefully calibrated to correspond with the actual emergence of local capacity. Prematurely dumping responsibilities in the lap of the East Timorese people would be tantamount to abandoning them.

At the same time, we must ensure that the military resources on the ground are commensurate with the developing security challenges in East Timor. A possible downsizing of the military force in East Timor, provided for in the current draft resolution, should take place only if and when security conditions permit.

Along with the United Kingdom, we fully endorse the statement made by the representative of Finland on behalf of the European Union.

Mr. Fonseca (Brazil): Today the Security Council has taken another decisive step in the long and painful process leading to the self-determination of East Timor. The Brazilian people have always fully supported the goal of an independent East Timor, so for us today is a day of joy and hope.

Brazil is one of the sponsors of the draft resolution on which we are about to vote. We believe it adequately reflects the recommendations made by the Secretary-General with regard to the United Nations Transitional Administration in East Timor (UNTAET).

We would like to highlight operative paragraph 8 of the draft resolution, which stresses the need for UNTAET to consult and cooperate closely with the East Timorese people. The construction of a new nation is necessarily an endeavour of all the people. In the case of East Timor, the process of healing and reconciliation is a necessary condition for a smooth transition to independence. In that regard, Brazil thinks regards the role of the National Council of Timorese Resistance as being of the utmost importance.

This is the last formal step before the United Nations fully assumes its responsibilities with regard to East Timor. Less than a week ago, the Indonesian People's Consultative Assembly unanimously voted for

the annulment of the measure that had annexed the Territory of East Timor. We congratulate the Indonesian Government for that timely decision.

It is not necessary to mention individually all those who have contributed to the goal of self-determination for East Timor. My delegation would like to pay tribute to the courage of the East Timorese people in maintaining this ideal during difficulties that at times seemed insurmountable.

Now, it is up to the international community, through the United Nations, to ensure that the future State of East Timor is built on a solid and lasting democratic foundation. Brazil is ready to contribute to this endeavour.

Mr. Dejammet (France) (*spoke in French*): The draft resolution that we are about to adopt provides for the creation of a United Nations Transitional Administration in East Timor (UNTAET). This is an essential step; those who initiated it should be congratulated. We also congratulate the Governments of Portugal and of Indonesia, the countries of the region and all the Secretariat officials who have helped bring about this peaceful conclusion and the realization of the principle of self-determination.

Following the popular consultation of 30 August, Indonesia and Portugal agreed to transfer authority over East Timor, in due and proper form, to the United Nations; subsequently, the Indonesian People's Consultative Assembly decided to revoke the 1978 decree annexing East Timor to Indonesia. Like previous speakers, France hails this courageous and positive decision taken by Indonesia. It constitutes a milestone in East Timor's transition towards independence, a process that should be supported by the United Nations. That is the role of UNTAET, which should be responsible not only for peacekeeping, following on the activities of the International Force, East Timor (INTERFET), but also for the reconstruction of East Timor.

We welcome this ambitious mission, since it attests to the resolve of the Security Council to fully assume its responsibilities with respect to peacemaking and peacekeeping in crisis areas, wherever in the world they may be located. This mission will also be an example of the global approach to peacekeeping that takes into account the need for economic and social reconstruction in the Territory, without which the long-term stability of Timor would be imperilled.

In order to be successful, UNTAET must be deployed and begin to carry out its mandate as early as possible. In particular, its military component should be deployed as soon as possible, as envisaged.

The long-term stability of Timor will not depend solely on UNTAET, but also on all the parties concerned, first and foremost the people of East Timor themselves. That is why, along with other countries, we call on all the Timorese people to engage in a process of national reconciliation in order to guarantee peace, stability and respect for human rights in East Timor.

Mr. Petrella (Argentina) (*spoke in Spanish*): Briefly, I would like to join earlier speakers in recommending unanimous support for the draft resolution that we are about to adopt and that my delegation is honoured to co-sponsor. We are grateful to the Secretary-General for his report on the situation in East Timor contained in document S/1999/1024, proposing the creation of the United Nations Transitional Administration in East Timor (UNTAET), as decided in operative paragraph 1 of the draft resolution.

We support the mandate as spelled out in operative paragraph 2, as well as the objectives and the structure recommended by the Secretary-General. We wish every success to the future Special Representative, who will be responsible for all aspects of the work of the United Nations in East Timor.

It seems to me that the time has come to look to the future. The success of UNTAET is an unprecedented challenge to the United Nations.

Lastly, we wish to thank the personnel of the United Nations Mission in East Timor (UNAMET), whose dedication and courage demonstrated the worth of United Nations personnel and the sacrifices they are willing to make. Special appreciation goes to Ambassador Marker, whose skill and experience proved to be vital at the most acute stages of the crisis. To the people and the leaders of East Timor, we reaffirm the support and confidence the Argentine Republic.

Mr. Duval (Canada) (*spoke in French*): Canada has the pleasure of co-sponsoring the draft resolution that will establish the United Nations Transitional Administration in East Timor (UNTAET). In order to prepare for the transition to independence — the path that was chosen during the popular consultation of 30 August 1999 — the sorely tested people of East Timor needs a robust United

Nations presence, which would be ensured through the adoption of the draft resolution before us today.

(spoke in English)

Three aspects of this draft resolution are of particular importance to Canada. Firstly, the fourteenth preambular paragraph calls on all parties to cooperate with investigations into reports of systematic, widespread and flagrant violations of international humanitarian and human rights law committed in East Timor. One of these investigations is to be carried out by the international commission of inquiry established by the Secretary-General, as requested by a resolution of 27 September of the United Nations Commission on Human Rights. Canada co-sponsored that resolution, and we urge all parties, including the Government of Indonesia, to cooperate with the commission of inquiry. Justice is an integral part of reconciliation. Those who have committed crimes must be brought to justice.

Secondly, we wish to reaffirm that the International Force, East Timor (INTERFET), should be replaced by the peacekeeping component of UNTAET as soon as possible, as set forth in operative paragraph 9. Canada's firm view, based on our experience with multinational forces in Rwanda, Somalia, Haiti and eastern Zaire, is that this Council could, and should, have authorized, in its resolution 1264 (1999) a classic United Nations-commanded peacekeeping operation for East Timor. Such a mission, with blue berets, funded through the standard peacekeeping assessment mechanism and multinational in character, could have been deployed as quickly as a multinational force. The essential factor delaying the deployment of a United Nations peacekeeping operation was not operational but political.

(spoke in French)

Finally, I would like to emphasize the need to finance the essential elements of UNTAET through regular contributions. The piecemeal financing through voluntary contributions to special funds cannot provide the necessary financial security for the United Nations for missions such as the one we are authorizing today. The people of East Timor need that security.

The role of UNTAET is not to administer East Timor on its own. The people of East Timor must play an integral part in the work of UNTAET. The people of East Timor finally has the opportunity to organize its own society as it wishes, and the United Nations has the duty to help it in strengthening its capacity to do so.

Mr. Burleigh (United States of America): I wish to note that Ambassador Holbrooke wanted and expected to be here in the Council this morning, because East Timor is an issue of very high priority for the United States. He is not here because he has been unexpectedly called away to address the United States arrears issue, which is currently before our Congress. I trust colleagues will understand that, and the Secretary-General as well.

The United States supports the draft resolution to establish the United Nations Transitional Administration in East Timor (UNTAET). We applaud the decision of the Indonesian People's Consultative Assembly to accept the results of the popular consultation. As President Clinton said, this historic act "shows respect for the will of the people of East Timor". This draft resolution, like the Indonesian Assembly's vote, is the right course of action. The international community must help the people of East Timor, first to rebuild their shattered lives and then to construct the institutions that they will need to become an independent State.

In this regard, we stress the need for continued attention to the plight of those East Timorese who fled violence in East Timor only to face continuing intimidation in refugee camps in West Timor. They must have security in the camps, access to international assistance and the right to return home.

At the same time, we emphasize the need for the United Nations to work in close consultation with the East Timorese and note with great pleasure the safe return to East Timor of Xanana Gusmão.

We commend the members of the Security Council for their perseverance on East Timor. Over recent months we have worked together to support the United Nations. The United Nations response to the crisis in East Timor is an example of the potential and great promise of this institution.

I should like to comment on a few elements of the draft resolution before us.

The Council has made appropriate arrangements for the transition from the multinational force to a United Nations peacekeeping operation. The transition will occur, as advised by the Secretary-General, taking into account the views of the Commander of the International

Force, East Timor (INTERFET), and conditions on the ground. This will not prolong INTERFET's deployment, but it will ensure a safe and effective handover.

The Secretary-General wisely decided to establish a trust fund for East Timor. It is a long-standing practice that peacekeeping assessments are used to support United Nations staff, peacekeeping forces and civilian police. Civil society projects sustaining a transition to independence should be supported by contributions from those who have shown such a strong interest in helping East Timor become a viable independent State.

We welcome the call for all parties to cooperate with investigations into reports of violations of international humanitarian and human rights law.

The attack on civilians, United Nations staff, personnel of non-governmental organizations and journalists, as well as the forced displacement of East Timorese, were repugnant. It is imperative that credible bodies fully investigate these violations, identify those responsible and help bring them to justice.

We applaud the courage and dedication of the personnel of the United Nations Mission in East Timor (UNAMET). We know those assigned to the new mission will work hard to fill their shoes. We also commend all those who contributed to the United Nations authorized multinational force, particularly Australia for assuming such a daunting leadership task.

INTERFET's efforts have laid the foundation for the United Nations Transitional Administration in East Timor (UNTAET).

We look forward to working with the United Nations, the people of East Timor, President Wahid and the Government of Indonesia and our other partners to help ensure that East Timor's transition to independence is as smooth and successful as possible.

The President (*spoke in Russian*): I now put to the vote the draft resolution contained in document S/1999/1083.

A vote was taken by show of hands.

In favour:

Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Russian*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1272 (1999).

There are no further speakers on my list. The Security Council has thus concluded the present stage of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 11.55 a.m.

UNITED
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Security Council

Distr.
GENERAL

S/PV.4058
26 October 1999

ORIGINAL: ENGLISH

OFFICIAL COMMUNIQUÉ OF THE 4058TH MEETING OF THE SECURITY COUNCIL

Held in private in the Security Council Chamber at Headquarters, New York, on Tuesday, 26 October 1999, at 10 a.m.

At its 4058th meeting, held in private on 26 October 1999, the Security Council considered the situation in Bosnia and Herzegovina. The representatives of Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Egypt, Finland, Germany, Greece, Hungary, India, Italy, Jamaica, Japan, Luxembourg, Malta, Mexico, Norway, Poland, Portugal, Republic of Korea, Romania, Singapore, Slovakia, South Africa, Sweden, Turkey and Ukraine were invited, at their request, to participate in accordance with rule 37 of the Council's provisional rules of procedure.

The Security Council heard a briefing under rule 39 of its provisional rules of procedure by Mr. Jacques Paul Klein, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina. The members of the Council made comments and posed questions in connection with the briefing. Mr. Klein responded to the comments and questions posed by members of the Council.

99-31557 (E) 261099

United Nations S/PV.4059

Security Council

Fifty-fourth Year

Provisional

4059th Meeting

Wednesday, 3 November 1999, 10 a.m.

New York

President:	Mr. Türk	(Slovenia)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Eboumy
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

Election of five members of the International Court of Justice (S/1999/939, S/1999/940/Rev.1 and Add.1* and S/1999/941)

99-86327 (E)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 10.20 a.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of November, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Sergey V. Lavrov, Permanent Representative of the Russian Federation to the United Nations, for his service as President of the Security Council for the month of October 1999. I am sure I speak for all members of the Security Council in expressing our deep appreciation to Ambassador Lavrov for the great diplomatic skill and effectiveness with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/1999/939, S/1999/940/Rev.1 and Add.1* and S/1999/941)

The President: The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 5 February 2000 on the expiry of the terms of office of the following Judges: Mr. Gilbert Guillaume (France), Ms. Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland), Mr. Gonzalo Parra-Aranguren (Venezuela), Mr. Raymond Ranjeva (Madagascar) and Mr. Christopher G. Weeramantry (Sri Lanka).

The consolidated and updated list of candidates nominated by national groups is contained in documents S/1999/940/Rev.1, which reflects all the information concerning notifications received regarding such nominations in order to facilitate the election for all representatives. Members of the Council will note, in this connection, that the Secretariat reissued document S/1999/940/Add.1 for technical reasons in order to correct the references to the United States of America by replacing them with references to New Zealand. Therefore, it is the national group of New Zealand and not the national group of the United States of America which has nominated Mr. Christopher G. Weeramantry. This correction has been reflected in document S/1999/940/Rev.1. Document S/1999/941 contains the curricula vitae of the candidates.

I should like to draw the attention of the Council to the fact that the Permanent Mission of the Democratic Republic of the Congo informed me that the national group of the Democratic Republic of the Congo had decided to withdraw its nomination of Mr. Balanda Mikuin-Leliel for election to the International Court of Justice. Since Mr. Balanda Mikuin-Leliel was nominated by the national group of the Democratic Republic of the Congo, his name has thus been removed from the ballot papers.

The Security Council also has before it a memorandum by the Secretary-General, contained in document S/1999/939, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

If more than five candidates obtain the required majority, according to the procedure which has been followed in the past and which is set forth in paragraph 14 of the Secretary-General's memorandum, a new vote will be held on all the candidates.

This rule will also apply to any subsequent ballots, if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining. If, on the other hand, in the first ballot the number of candidates obtaining the absolute majority is less than five, the Council will proceed to a second ballot on the remaining vacancies, and balloting will continue in the same manner until five of the candidates have obtained the required majority of votes.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the names of all the candidates. No withdrawal will be accepted once the ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an "X" in the boxes next to the names of the candidates for whom they wish to vote.

Only those candidates whose names appear on the ballot paper are eligible for election.

I should like to remind members of paragraph 11 of the Secretary-General's memorandum, which specifies that

> "Each elector may vote for not more than five candidates on the first ballot". *(S/1999/939, para. 11)*

Any ballot paper containing votes for more than five names will be considered invalid. When five candidates have obtained the required majority of votes, I shall communicate the result to the President of the General Assembly, and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

* * *

The President: The names of the delegations of France and the United States of America have been drawn. I request each of those delegations to appoint one member to serve as teller.

At the invitation of the President, Mr. Colas (France) and Ms. Ari (United States of America) acted as tellers.

The President: I should like to say, on this occasion, that we have in our midst two persons — Mr. Franklin Berman and Mr. Robert Rosenstock — who served as tellers when elections for the International Court of Justice were held for the first time. I welcome this fact as a symbol of the continuity of the Security Council's work.

May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots.

As agreed in our consultations, there will be two independent countings of the ballots, one by each teller.

The Council will remain in session.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Gilbert Guillaume	15
Ms. Rosalyn Higgins	15
Mr. Gonzalo Parra-Aranguren	15
Mr. Raymond Ranjeva	14
Mr. Awn Shawkat Al-Khasawneh	9
Mr. Christopher Gregory Weeramantry	6

Accordingly, the following candidates have obtained the required majority of votes in the Security Council: Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr.

Gonzalo Parra-Aranguren, Mr. Raymond Ranjeva and Mr. Awn Shawkat Al-Khasawneh.

I shall communicate the result of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The President: I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that, at the 45th plenary meeting of the General Assembly, held today for the purpose of electing five members of the International Court of Justice, the following candidates obtained an absolute majority of votes in the General Assembly: Mr. Awn Shawkat Al-Khasawneh, Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr. Gonzalo Parra-Aranguren and Mr. Raymond Ranjeva."

As both the Security Council and the General Assembly have agreed on the same candidates, the distinguished jurists Mr. Awn Shawkat Al-Khasawneh, Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr. Gonzalo Parra-Aranguren and Mr. Raymond Ranjeva have been elected as members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2000.

I should like to congratulate them and wish them every success in the high office to which they have been elected.

I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 1.15 p.m.

United Nations

S/PV.4060

Security Council

Fifty-fourth Year

Provisional

4060th Meeting

Friday, 5 November 1999, 11 a.m.

New York

President:	Mr. Türk	(Slovenia)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Shen Guofang
	France	Mr. Teixeira da Silva
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Minton

Agenda

The situation concerning the Democratic Republic of the Congo

Second report of the Secretary-General on the United Nations Preliminary Deployment in the Democratic Republic of the Congo (S/1999/1116)

99-86357 (E)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Second report of the Secretary-General on the United Nations Preliminary Deployment in the Democratic Republic of the Congo (S/1999/1116)

The President: I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mwamba Kapanga (Democratic Republic of the Congo) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members have before them the second report of the Secretary-General on the United Nations Preliminary Deployment in the Democratic Republic of the Congo, document S/1999/1116.

Members of the Council also have before them document S/1999/1130, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I should like to draw the attention of members of the Council to document S/1999/1076, which contains the text of a letter dated 18 October 1999 from Finland, transmitting a statement on the Democratic Republic of the Congo by the Presidency of the European Union on behalf of the European Union.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution (S/1999/1130) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1273 (1999).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.05 a.m.

UNITED
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Security Council

Distr.
GENERAL

S/PV.4061
5 November 1999

ORIGINAL: ENGLISH

OFFICIAL COMMUNIQUÉ OF THE 4061ST MEETING OF THE SECURITY COUNCIL

Held in private in the Security Council Chamber at Headquarters, New York, on Friday, 5 November 1999, at 11 a.m.

At its 4061st meeting, held in private on 5 November 1999, the Security Council considered the item entitled "Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)". The representatives of Albania, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Egypt, Finland, Germany, Greece, Guatemala, Hungary, India, the Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Lithuania, Luxembourg, Mexico, Morocco, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Singapore, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine were invited, at their request, to participate in accordance with rule 37 of the Council's provisional rules of procedure.

Mr. Branislav Srdanovic was invited, at Mr. Jovanovic's request, to participate.

The Permanent Observer of Switzerland to the United Nations was also invited, at his request, in accordance with the understanding reached in the Council's prior consultations, to participate without the right to vote.

The Security Council heard a briefing under rule 39 of its provisional rules of procedure by Mr. Bernard Kouchner, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo, Federal Republic of Yugoslavia. The members of the Council made comments and posed questions in connection with the briefing. Mr. Kouchner responded to the comments and questions posed by members of the Council.

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8 November 1999

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OFFICIAL COMMUNIQUÉ OF THE 4062ND MEETING OF THE SECURITY COUNCIL

Held in private in the Security Council Chamber at Headquarters, New York, on Monday, 8 November 1999, at 3.30 p.m.

At its 4062nd meeting, held in private on 8 November 1999, the Security Council considered the item entitled "The situation in Bosnia and Herzegovina". The representatives of Algeria, Armenia, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Egypt, Finland, Georgia, Germany, Greece, Hungary, India, the Islamic Republic of Iran, Iraq, Italy, Jamaica, Japan, Jordan, Kenya, Lithuania, Luxembourg, Mexico, Morocco, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Singapore, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine were invited, at their request, to participate in accordance with rule 37 of the Council's provisional rules of procedure.

The Permanent Observer of Switzerland to the United Nations was also invited, at his request, in accordance with the understanding reached in the Council's prior consultations, to participate without the right to vote.

The Security Council heard a briefing under rule 39 of its provisional rules of procedure of Mr. Wolfgang Petritsch, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The members of the Council made comments and posed questions in connection with the briefing. Mr. Petritsch responded to the comments and questions posed by members of the Council.

99-33436 (E) 081199

United Nations S/PV.4063

Security Council
Fifty-fourth Year

Provisional

4063rd Meeting
Wednesday, 10 November 1999, 11 a.m.
New York

President:	Mr. Türk	(Slovenia)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Shen Guofang
	France	Mr. Dejammet
	Gabon	Mr. Moungara-Moussotsi
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Theron
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Gatilov
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States

99-86406 (E)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 11.20 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States

The President: I should like to inform the Council that I have received a letter from the representative of Rwanda, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mutaboba (Rwanda) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council decides to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Carla Del Ponte, Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States.

It is so decided.

I welcome Ms. Del Ponte and invite her to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by the Prosecutor of the International Tribunals for the Former Yugoslavia and for Rwanda.

I now call on Ms. Carla Del Ponte, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure, in order to brief the Council.

Ms. Del Ponte: Thank you, Mr. President, for inviting me to attend this meeting today. I welcome the opportunity, and hope that during my time in office there will be regular occasions on which the Security Council will find it useful for me to address it.

First, I would like the Security Council to know that I am very proud to have been appointed Prosecutor of the International Tribunals for the Former Yugoslavia and Rwanda. I have only been in office for less than two months and have been generally impressed by the work being done in my own offices and by the activity of the Tribunals as a whole.

As Prosecutor, I am, however, acutely aware of my responsibilities. The task before me is a daunting one, and I need the Council's assistance and its continued support in order to achieve successfully the objectives it has set for me. There can be no doubt that the success of the two International Criminal Tribunals depends upon the active support of the Security Council of the United Nations. The effectiveness and strength of international criminal justice ultimately lies in the Council's hands. The Council expresses the political will of the international community, and it embodies the determination of all civilized peoples to bring to justice those individuals responsible for crimes which are among the most horrible and massive the world has seen in recent years. In creating the two Tribunals, the Council has designed a powerful enforcement mechanism of international humanitarian law. The Tribunals will turn to the Council from time to time when its full weight must be brought to bear on those who refuse to honour the international obligations imposed on them by Chapter VII of the United Nations Charter.

Indeed, the Tribunal has already reported to the Security Council the total defiance on the part of the

Federal Republic of Yugoslavia in surrendering indicted accused. I fear that as a result, Serbia is becoming a safe haven for indicted war criminals who have been accused of serious crimes in Croatia, Bosnia and Herzegovina and Kosovo. This situation cannot be allowed to continue.

Further, we cannot allow, to take another recent example, the Republic of Croatia to withhold its cooperation because of its unilateral decision that the Tribunal has no jurisdiction to investigate the actions of its armed forces in Operation Storm and Operation Flash.

It is essential for the success of the Tribunal that States not be permitted to dictate to the independent Prosecutor what events shall and shall not be investigated. The power to initiate investigations bestowed upon the Prosecutor by this Council is fundamental. It must be preserved; and the judicial process has to be protected from the tyranny of political or ethnic manipulation. The subjects of international criminal law are individuals, not States or entire peoples, and decisions about individual investigations and prosecutions must lie with the Tribunal's Prosecutor. That principle applies with particular force to States that have themselves been involved in the armed conflicts in question, on whose territory the investigations must be carried out.

The Council is already aware of the refusal of Croatia to cooperate over Operations Storm and Flash; and it should also be aware that other requests will also test the attitude of Zagreb towards the Tribunal's work. In connection with a different investigation, my Office is required to conduct certain on-site investigations in Croatia and has requested the Government of Croatia to make the necessary security arrangements in order to provide a safe environment to allow that work to proceed this year. I hope that Security Council intervention will not become necessary for that exercise. I draw it to the Council's attention simply to illustrate that the requirement of State cooperation is a constant one and that it underpins the day-to-day work of our institutions.

Over the last few weeks, I personally have been busy. As the Council may know, I have completed my first visit to the former Yugoslavia; I saw my offices in Skopje, Pristina, Sarajevo, Banja Luka and Zagreb; I met officials in all those locations; I met the Stabilization Force (SFOR) and Kosovo Force (KFOR) Commanders; and I met the Secretary-General's Special Representatives in Bosnia and Kosovo. I went to an exhumation site in Kosovo and to our mortuary in Bosnia, where I saw the results of our exhumations programmes: the human remains of victims. It was an important visit for me, because seeing the many different aspects of our investigations in the field helps one understand the magnitude of the undertaking in which we are engaged. I was pleased to see that the work was being done in a professional manner, even when the conditions were very hard for the teams. So, I am learning.

Very soon I will do the same thing for Rwanda. I will travel to my office there, and I will spend several weeks in Kigali and Arusha. My Rwanda work has begun, and I have already met the Deputy Prosecutor and the Chief of Investigations in The Hague. I have also met the Chief Prosecutor and the Military Prosecutor of Rwanda, as well as the Rwandan Ambassador in Brussels. That was the first time Rwandan officials had visited The Hague, but since then our relations with the Rwandan Government may have been affected by their reaction to an important decision of the Appeals Chamber to release one of the accused and to dismiss the charges against him.

I am very concerned about the circumstances of that case and about the court's findings of delays and violations of the accused's rights. I very much regret that the Office of the Prosecutor has been criticized for not having acted diligently in that prosecution, but until I have spent some time in Rwanda itself, it would be better for me to reserve any further comments about the work of that Tribunal. I would be happy to come back on another occasion to address the Council specifically on Rwanda.

Today, I would prefer to restrict my remarks to the International Criminal Tribunal for the Former Yugoslavia, and I would like to speak about two matters. The first is the issue of arrests. In Bosnia and Herzegovina, where international forces are present, 14 accused have been detained by SFOR since July 1997. Four of these were detained this year. I hope that the momentum will last and that the figures will continue to rise. This record of success is most encouraging, so I will work hard to maintain our level of cooperation with SFOR, and I will continue to press for increasingly strong action against all those accused persons who have not yet been arrested, including those at the highest level.

But there are accused who are beyond the reach of SFOR. Their arrests pose quite a different question. The Tribunal itself can do only so much. I therefore need the Council's help, as well as the support of national Governments and all other key international institutions.

My predecessor was here in this Chamber in September; in their remarks on that occasion, Council members recognized the obligation of the Council, as the parent body of the International Tribunal, to support it. One member went so far as to remark that the Council does not have a very effective record in that regard and that it could be more active on that front. I cannot emphasize enough the importance of the support the Security Council can give the Tribunal. We do not seek it lightly, and I therefore urge the Council to put its full weight behind our efforts when we ask for its assistance and to be creative in finding ways to bring to bear the sort of pressures that will produce results.

Secondly, I would like to say something about Kosovo. Much of our effort this year concerned Kosovo, because we know we had to act quickly before evidence was lost. I can tell the Council that for the past five months we have been working with forensic personnel from 14 countries, who contributed forensic pathology and "scenes of crime" teams. The last of these teams left Kosovo on 31 October. I have now received a preliminary analysis of the first findings, although not all the forensic reports have been completed. I would like to give accurate details today, because some statistics are beginning to appear in the media.

There has been a lot of general speculation about the number of people killed in Kosovo. Some people expect the Tribunal to give the definitive answer. But our task is not to prepare a complete list of war casualties. Our primary task is to gather evidence relevant to criminal charges. Our initial focus, understandably, had to be to investigate those places listed as crime scenes on the indictment against President Milosevic, and other leaders. Our work has, of course, expanded since that early list, but it is still not our mission to compile a complete census of the dead. Nevertheless, my staff have collected some reliable statistics. It may be some time before all the evidence is presented before a court, and there is a legitimate public interest in my giving some indication of the nature of our findings even at this early stage, so I think it is important for me to give the Council some numbers.

We have received reports of 529 grave sites, including sites where bodies were found exposed. As of today, approximately one third of the 529 grave sites have been examined. Work has been completed at 195 sites. In total 4,266 bodies had been reported to be buried in those sites. To date 2,108 bodies have been exhumed. This figure does not necessarily reflect the total number of actual victims, because we have discovered evidence of tampering with graves. There are also a significant number of sites where the precise number of bodies cannot be counted. In these places, steps were taken to hide the evidence. Many bodies have been burned, but at those sites the forensic evidence is nevertheless consistent with the accounts given by witnesses to the crimes. The figures themselves may therefore not tell the whole story, and we would not expect the forensic evidence in isolation to produce a definitive total.

Even so, our work can help establish the total number of dead, and we are already building up the overall pattern of the killing. That pattern is of a large number of relatively small sites. We do not typically find hundreds of people buried together. A few sites did contain the remains of approximately 100 people, but often the number is much smaller; and sometimes the reports of victims buried are not borne out at all. For the Council's information, I have prepared a detailed list of sites and figures for distribution. I am afraid that I cannot give a more detailed breakdown of the age or sex or other characteristics of the deceased.

Many of the bodies, including those of women and children were positively identified, and often the names of individual victims were well known. Our work therefore helps in the sad process of confirming identification, although, again, that is not the primary objective of my Office.

To sum up, we now have in our possession, invaluable documentation of what happened to many people in many places in Kosovo. There is no substitute for this kind of accurate information, because it is evidence that eventually will stand up in a court of law.

We are preparing now for next year, when we would like to be able to complete the investigation of crime scenes and mass graves. I want to complete the forensic examination of all remaining sites as soon as possible. There is a continuing risk that some of the remaining sites may be disturbed before we can examine them. The imperative to work quickly that drove our exhumations this year still exists. We do not know how many bodies we may find. As I have said, we have this year confirmed finding over 2,000 bodies out of a total of 11,334 reported to us. With the same level of resources next year as we have had this year, we can finish the whole forensic programme in a single season. My goal is to complete the task we have begun, and I therefore intend to seek the continued assistance of States contributing *gratis* personnel for the remainder of the

forensic work next year. We cannot leave the job only half-finished.

We therefore still have a lot of work to do, but I do not intend to allow our Kosovo investigations to detract from other prosecutions relating to Bosnia and Herzegovina and to Croatia. The year 2000 will see a full range of activity from the Office of the Prosecutor.

(spoke in French)

The Council is the executive body of the International Tribunal when States do not comply with their duty to cooperate. I am here today precisely in order to ensure that the Security Council intervenes in this urgent matter to make certain that Croatia collaborates and cooperates with us on the documents which we urgently need in order to complete these very important investigations.

These are the most important points which I wish to raise and I would be happy to answer any questions that the Council may have.

The President: I thank Ms. Del Ponte for her comprehensive briefing.

Mr. Petrella (Argentina) *(spoke in Spanish):* I should like to express my appreciation for the presence of Ms. Carla Del Ponte and for the presentation of her report to the Council. The report gives us a very clear and dramatic picture of the difficulties and challenges that the Tribunals for the Former Yugoslavia and Rwanda face. We hope that these briefings will be repeated on a regular basis and that their format continues to be broad so as to benefit the whole membership of the Organization as well as to benefit the cause of justice and international law.

Both Tribunals have completed the stage of institution building and are now fully operational and carrying out their judicial work. The Tribunal for the Former Yugoslavia has exceeded original expectations. The statistics on indictments, trials and detentions contradict the pessimism of those who predicted that the Tribunal would have a purely symbolic role in the administration of justice.

We are well aware of the particular difficulties that the International Tribunal for Rwanda had to overcome in the early stages. Despite those difficulties, that Tribunal also is entering an operational stage and has issued significant judgements, including the first convictions for the crime of genocide since the Convention was adopted in 1948.

As Judge Pillay informed us on Monday in the General Assembly, the Office of the Prosecutor is involved in some 90 investigations and hopes to produce some 20 indictments in 2000.

The jurisprudence and procedures of both Tribunals were taken into account in the course of the negotiations on the Rome Statute and continue to be an important frame of reference for the discussions under way in the Preparatory Commission for the International Criminal Court. Thus, they are already influencing the development of international law.

Despite the fact that there are grounds for satisfaction, it is clear that both Tribunals face significant difficulties and problems, some of them related to organizational and administrative aspects which could be remedied by the Tribunals themselves. In particular, it is important to ensure proper coordination between the Tribunals in order to overcome the difficulties arising from the fact that they share the same Prosecutor and Appeals Chamber.

But the more serious problems, those that affect the very possibility of administering justice, are related to the lack of cooperation on the part of States. It is well known that the main feature of the ad hoc Tribunals is that they lack their own coercive measures. For this reason, they fundamentally and inevitably rely on the cooperation of States. Such cooperation is essential in order to produce evidence and to ensure the arrest and transfer of persons as well as the execution of sentences. Furthermore, it should be remembered that the ad hoc Tribunals are by nature exceptional and they differ from the future International Criminal Court in that they are not complementary to national jurisdictions but have primacy over national systems. The obligation to cooperate with the Tribunals, explicitly spelled out in their statutes, is absolute. Lack of compliance is not simply a violation of the statutes but imperils the very objectives for which these Tribunals were established.

The Security Council cannot remain impassive in the face of this report and the call for action. What is at stake is the credibility of the Tribunals and the authority of the Council. We fully share the concerns that Ms. Del Ponte has just outlined.

In conclusion, it seems to us that we need to underscore the fact that States cannot, for any reason whatsoever, unilaterally suspend their cooperation with the ad hoc Tribunals.

Mr. Dejammet (France) (*spoke in French*): We, too, would like to thank Ms. Del Ponte for the briefing she has just given. France had occasion earlier to pay tribute to the work done by the previous Prosecutor, Mrs. Arbour. We would like to reaffirm today our full confidence in Ms. Del Ponte and to wish her every success in her task, which is daunting indeed. I would also like to recall that Ms. Del Ponte's nomination was welcomed by France.

We are all aware of the scope and complexity of the task of the Prosecutor of the two International Criminal Tribunals. In creating these two Tribunals, the United Nations has established the foundations for a genuine, international criminal system. The Tribunals, in which Ms. Del Ponte now has an essential role, clearly have a decisive part to play in eliminating the impunity of those who perpetrate the most serious of offences. But the Tribunals must reconcile various difficult requirements: the independence of the judiciary, the need to punish those found guilty and the protection of the rights of victims. The Tribunals must therefore always bear in mind as they carry out their work an awareness of what is at stake with respect to the re-establishment of peace, national reconciliation and the rebuilding of a State of law. These are certainly demands and requirements that are not always easy to reconcile. The work of the Prosecutor is therefore very difficult, but also very noble. The task is made all the more difficult by virtue of the fact that it is being carried out in two different theatres of operations — the prosecution of crimes committed in the former Yugoslavia, on the one hand, and the prosecution of crimes committed in Rwanda, on the other.

The work of the Tribunal in the former Yugoslavia is rather innovative. In the case of Kosovo work began so soon after the commission of crimes that it was, in a manner of speaking, in real time, or current. With the adoption of resolution 1160 (1998) on 31 March 1998 — just after the beginning of violence on the ground — the Security Council in effect charged the Office of the Prosecutor with starting the collection of information about criminal activities in Kosovo that might fall within the jurisdiction of the Tribunal. We have followed up those efforts and, like other members of the Council, France has also lent every possible assistance to the Tribunal by making forensic teams available to it. Ms. Del Ponte has just given us a very exact and thorough account of the work she is doing on the ground in Kosovo and of the very tragic situations that she is in the process of addressing.

The work of the Rwanda Tribunal is equally important and difficult. We therefore appreciate Ms. Del Ponte's intention to go to Rwanda very soon. We have no doubt that her presence on the ground there will help settle many problems that have arisen and that she will give new impetus to the activities of that Tribunal, as she did in the case of Kosovo.

We would like to reiterate France's support for the work of the Prosecutor in connection with the Rwanda Tribunal. We have tried to demonstrate our support in material terms by providing audio-visual equipment for two hearing rooms. This material support is important because the work of the Prosecutor depends in part upon the resources that are placed at her disposal. In this connection, we would like to know how the Prosecutor feels about the material, financial and human requirements of her Office.

As the representative of Argentina has said, the success of the Prosecutor and of the Tribunals basically depends upon the cooperation of Member States. The remarks made by Ms. Del Ponte about the attitude of some States is a matter of serious concern to the Security Council as a whole. We must all be aware that the cooperation of States with the Tribunals is a legal obligation of every Member State of the United Nations. States do not have the luxury of suspending their cooperation with the Tribunals or refusing to cooperate in one case or another. These are legal obligations, a point recalled by Ms. Del Ponte and one that the Security Council must, and indeed does, recall regularly.

Finally, the success of the Tribunals and of the Prosecutor also depends upon the soundness of the legal framework within which they carry out their missions. In this connection, we are pleased at the effort made by the Tribunals, at the urging of the Prosecutor, to improve procedures by drawing from various legal systems for inspiration. I think it is a good idea to seek to base Tribunal actions on existing legal systems and to make use of the most effective aspects of the various major legal systems of the world today.

Mr. Fowler (Canada): Canada is pleased to join previous speakers in welcoming Ms. Del Ponte to the Security Council today and wishing her every success in her vitally important task. These two Tribunals play an extremely important part in the promotion of international peace and security. We regard their work as essential in ending the cycle of violence and impunity that has had such an impact on the Council's agenda of late. We welcome the emphasis that the Prosecutor has placed on pursuing high-level civilian, police and military leaders

responsible for crimes under the jurisdiction of the International Criminal Tribunals' Statutes.

In 1993 and 1994 Canada welcomed the creation of the two Tribunals as an innovative and progressive step by the Council towards a broader definition of security. By establishing the Tribunals, the Security Council — a body traditionally focused on inter-State security issues — recognized that gross and systemic human rights abuses within States also merit a forthright response by the international community. The Tribunals are a signal that such abuses will not be allowed to stand and, as such, serve an important norm-reinforcing function. They also provide a deterrent to would-be violators by demonstrating that there must be accountability for genocide, for war crimes and for crimes against humanity.

We are pleased with the Tribunals' success not only in obtaining custody over high-ranking accused persons and completing trials, but also in providing ground-breaking decisions. We are also pleased that the Stabilization Force and the Kosovo Force continue to provide the support for the work of the International Criminal Tribunal for the Former Yugoslavia in the Balkans, including in the protection and preservation of evidence.

Clearly, however, much more support from the international community is needed. Many alleged war criminals remain at large, and some States still refuse to cooperate with the Tribunal. As the President of the Tribunal pointed out in her speech to the General Assembly earlier this week, and as Ms. Del Ponte has reaffirmed today, the Council is ultimately responsible for ensuring State compliance. We must send from this Council the message that cooperation is not a choice but a clear obligation for all States, and that this is not an issue which is in any way subject to debate or legal dispute. We reiterate our call, therefore, on all States to fulfil these obligations.

I would be remiss if I did not also stress the extent to which Canada concurs with the point made by Ambassador Petrella that the work of the International Tribunals has contributed significantly to the development of international criminal law and will greatly assist efforts in the Preparatory Commission for the International Criminal Court.

We note the fact that Ms. Del Ponte chose to focus her remarks today on the situation in the Balkans. We do, however, look forward to hearing a similarly detailed report on her findings following her visit to Rwanda.

We commend Ms. Del Ponte on the assumption of the challenging and important post of chief Prosecutor to both Tribunals. We know that this is an extremely challenging and demanding position which involves extreme pressures. We are confident that she will follow the fine tradition established by her predecessors, Richard Goldstone and Louise Arbour, and that the Tribunals will continue to advance the cause of international justice.

Sir Jeremy Greenstock (United Kingdom): We too have warmly welcomed the appointment of Ms. Carla Del Ponte to this task and congratulate her on it, if that is the right phrase for such a daunting responsibility. We are very grateful to her for her briefing this morning.

I am glad to hear that she was impressed by the quality of her staff when she first got to know them, and I think it is right that the Council should pay tribute to the staff of the Prosecutor's Office for what they have done over the past few years. They have broken new ground and have shown us that it is possible to end the culture of impunity. I would like her to take back the message from the Council that we warmly appreciate what the whole staff of the Prosecutor's Office, and the Court as a whole, has done.

We are grateful too for her updating us on the details of what is happening on the Balkan scene and in Kosovo in particular. There have been, I think, some misstatements about the volume and the intensity of the abuses that occurred during the conflict earlier this year, and we are glad that she is paying immediate attention to that.

The United Kingdom remains strongly committed to the Tribunals and fully supports the Office of the Prosecutor and her investigation of atrocities in bringing the perpetrators of crimes against humanity to justice. I think the United Kingdom has done as much as any individual nation actually to take steps to help bring indictees before the court, and it will continue to do so, particularly in the Balkan sphere. We have heard her appeal also for the need for forensic work now in Kosovo; we are helping, and will continue to help, in that.

As others have said, it is the duty of States to hand over the Tribunal's custody all those indictees residing in their territory, in accordance with their obligations under the relevant Security Council resolutions. It is important that they comply with Tribunal orders without undue delay. We remain particularly concerned that indictees

remain at large in Republika Srpska and in the Federal Republic of Yugoslavia.

The Serbian performance in this respect has been the least satisfactory of all. Croatia also has been at times dilatory, though at times also responsive about compliance with the court, and the court wants us to remain — and we should remain — in direct communication with Croatia to make sure that it responds. We are particularly insistent that Croatia should extradite the indictee Mladen Naletilić to The Hague as soon as possible, and that the Croatian Government should make progress on handing over documents on Operation Storm and Operation Flash without delay, to the satisfaction of the Court.

In this respect, I think we have to take rather sharper notice among ourselves that the Security Council has a responsibility to ensure that States live up to their obligations. Just as the court is breaking new ground in this area, so is the Security Council. In the expectation that we shall soon have an International Criminal Court coming into being and being operationally active, we have to discuss further the obligation on the Security Council to make sure that the Statutes are implemented.

The United Kingdom is concerned also at the recent announcement by the Government of Rwanda to suspend cooperation with the Tribunal for Rwanda. We hope that both the Tribunal and the Government of Rwanda will continue to work together and to maintain dialogue. We note that before the Rwandan Government took this decision, the Government and the Tribunal were beginning to work more effectively together. We hope that the visit by the Prosecutor and the return of her deputy to Kigali will help improve relations to that end.

Again, we thank Ms. Del Ponte for her briefing this morning. We hope that these briefings will be a regular feature, and we look forward to seeing her return to the Council.

Mr. Shen Guofang (China) (*spoke in Chinese*): First of all, I should like to thank Ms. Carla Del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda, for her briefing today.

We have taken note of the achievements registered by the two Tribunals over the past year. We attach particular importance to the way in which the International Criminal Tribunal for Rwanda interpreted and applied the 1948 Convention on the Prevention and Punishment of the Crime of Genocide in its judgment on the Akayesu case.

We are aware that these advances are being made by the two Tribunals at a time when they are facing tremendous difficulties and challenges. We have noted also that there is still room for improvement in their work, *inter alia* the disputes between the States and the Tribunals in the field of cooperation. Both Tribunals were established by Security Council resolutions; the countries concerned should therefore cooperate with them, in accordance with the relevant Security Council resolutions, the Statutes of the Tribunals, and their national laws.

The Tribunals, in requesting cooperation from the States concerned, should also take into consideration the public interests and security of those countries. They should also respect the national laws of those States. Failing that, the Tribunals will continue to face daunting tasks in future. We sincerely hope that their work will be professional, objective, impartial and free from any political interference.

In conclusion, I should like to reiterate that China continues to support the work of both Tribunals.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): We join other delegations in welcoming Ms. Carla Del Ponte and thank her for her briefing.

Russia supports the work of the International Criminal Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda, and we call for the appropriate punishment of those who have committed war crimes in the course of conflicts in the territory of the former Yugoslavia and of those who have committed serious violations of humanitarian law in the territory of Rwanda.

We believe that the work of the Rwanda Tribunal is a substantial factor in the maintenance of peace and calm in that country and in neighbouring regions. Sentences handed down by the court are very important politically, and they also make a real contribution to the development of international criminal law. Russia supports the efforts to deal with the organizational, financial and human resource problems experienced by the Rwanda Tribunal, so as to enable it to rapidly discharge the mandate conferred upon it by the Security Council and play its part in eliminating the culture of impunity.

We believe that the establishment of another Trial Chamber will mean that the international community can expect the Tribunal to act more swiftly in order to establish a proper balance in its work and catch up, so to speak, with the Yugoslavia Tribunal. We believe that considerable work remains to be done to enhance the effectiveness of the Rwanda Tribunal. In order to ensure the normal functioning of that International Tribunal, we must continue to improve its procedures, methods of work and structures, and deal with the inadequate supply of qualified jurists and administrative staff. We hope that the Prosecutor's forthcoming visit to Rwanda will help to achieve those objectives.

Turning to the International Criminal Tribunal for the Former Yugoslavia, we firmly believe that its activities must strictly comply with the mandate given it by the Security Council and with the Statute of the Tribunal, the Peace Agreement for Bosnia and the relevant decisions of the Security Council. We support the demands made on all States to comply with international commitments to cooperate with that Tribunal. However, all problems relating thereto must be resolved through direct cooperation between the parties and the Tribunal, as set forth in Security Council resolutions and in the Statute of the Tribunal.

Indictees should not be detained without the consent of the State in whose territory they are found, nor should it result from the undue coercion of those States. We are categorically opposed to sealed indictments. That practice has occurred in connection with the Stabilization Force in Bosnia; it goes beyond the mandate of such forces. The practice should be brought to an end. Furthermore, we believe that the practice should not take place with regard to Kosovo and the Kosovo Force.

We have serious doubts about the propriety of the so-called sealed lists of indictees. Such practices are contrary to the Statute of the Tribunal and to its rules of procedure. The authorities of the States concerned and the indictees themselves are thereby deprived of the opportunity to demonstrate that they are willing to cooperate with the Tribunal. Every action taken to detain a person accused of war crimes must be considered primarily from the point of view of how it might affect international efforts to stabilize the situation in the region and move the peace process forward. We must not allow the work of the Tribunal to be politicized; it must be governed by the letter of the law.

Unfortunately, in the recent work of the Tribunal there have been serious instances in which this principle has been allowed to slide. Examples include the indictment of the leader of Serbia and the Federal Republic of Yugoslavia, and the arrest in Vienna, under a sealed indictment, of the chief of staff of the army of the Republika Srpska, Mr. Talic, who was participating in a seminar in Vienna at the invitation of the Organization for Security and Cooperation in Europe. Such decisions destabilize the situation in Bosnia, Yugoslavia and, indeed, the entire region, and are an additional hindrance to moving the Bosnia and Kosovo settlement process forward.

As for the activities of the International Criminal Tribunal for the Former Yugoslavia in Kosovo, they must be objective and strictly in accordance with the decisions of the Security Council, including resolution 1244 (1999), and with the Statute of the Tribunal. The International Criminal Tribunal for the Former Yugoslavia must actively investigate the scale of the atrocities committed by Kosovar Albanian extremists against Serbs and other non-Albanian peoples in Kosovo th[illegible]hout the Kosovo crisis.

So far, we have noted that the Tribunal has clearly not been able to achieve objectivity, as to date it has focused primarily on investigating crimes committed against Albanians. We believe that this situation should be corrected properly and rapidly, because otherwise there will be grounds for accusing the International Criminal Tribunal for the Former Yugoslavia of double standards, which would certainly not enhance the effectiveness of the Tribunal's work. We expect Ms. Del Ponte to take due account of these matters of principle, and we wish her every success in her work.

Mr. Hasmy (Malaysia): Let me first thank you, Mr. President, for convening this meeting of the Council to hear a briefing by Ms. Carla del Ponte, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda. My delegation has studied and benefited a great deal from the sixth annual report of the International Criminal Tribunal for the Former Yugoslavia and the fourth annual report of the International Criminal Tribunal for Rwanda, which were addressed to both the Security Council and the General Assembly. We welcome the presence of Ms. Del Ponte in the Council for the first time since her appointment as Prosecutor. We thank her for the succinct but comprehensive briefing that she has just given the Council on the two Tribunals, particularly in respect of the International Criminal Tribunal for the

Former Yugoslavia, which my delegation finds extremely useful.

We believe that the establishment of these two ad hoc Tribunals was an important development in the application of international law with respect to the prosecution of individuals accused of committing war crimes, genocide and crimes against humanity. It gave expression to the universal desire for peace and respect for the rule of law, thereby making international criminal justice a reality and an indispensable element of international relations in our time. It is our hope that with such a system in place the international community will be in a better position to deal with such crimes whenever they occur. Indeed, we dare to hope that an efficacious system of international criminal justice will act as a factor inhibiting the commission of such crimes.

My delegation is pleased to note that the two Tribunals have evolved into fully operational international criminal courts providing for fair trials for the accused while affording protection to victims and witnesses. We commend the manner in which the Victims and Witnesses Section of the Tribunal for the former Yugoslavia and the Victims and Witnesses Support Unit of the Tribunal for Rwanda have handled the important issue of providing protective measures, as well as counselling and support, for witnesses appearing before the Tribunals. We also note that with the close cooperation of a number of States, the Victims and Witnesses Section and Unit have been able to relocate witnesses unable to return to their respective residences after completing their testimony. We believe that this is an important aspect of the work of the Tribunals.

We are concerned by delays in the administration of justice. Accused persons have been in custody awaiting trial for lengthy periods. They must be tried as soon as possible in cognizance of their fundamental right to trial without undue delay. In this regard, my delegation welcomes the amendment of the Tribunals' Rules of Procedure and Evidence, which was aimed at streamlining and expediting the proceedings before the Tribunals. While we recognize that cases must be conducted in the most efficient and expeditious manner consistent with respect for the rights of the accused, we also recognize that the course of justice, conducted in scrupulous compliance with fair trial procedures, is often a slow one. While speed is an important element of efficiency, the quality of the proceedings is of paramount importance.

In this regard, my delegation would appreciate it if the Prosecutor could elaborate on some of the impediments to the conduct of expeditious trials.

The cooperation of States is vitally important for the successful conduct of the work of the Tribunals. This is particularly so with respect to the execution of arrest warrants, provisional detentions and the transfer of suspects and accused persons to the seats of the Tribunals, given the fact that the Tribunals do not have a police force or jurisdiction by which they can independently effect the apprehension of suspects. Clearly, the execution of arrest warrants has been and will continue to be critical to the Tribunals' ability to function effectively. We note that, in the case of the Tribunal for Rwanda, States have been very supportive of the Tribunal, but we regret that this has not been quite the case in respect of the work of the Tribunal for the former Yugoslavia.

We reiterate our serious concern that publicly indicted accused individuals still remain at large. The recent report of the Tribunal for the former Yugoslavia (S/1999/846) indicated that, despite the best efforts of the Tribunal, certain States and entities, principally the Federal Republic of Yugoslavia and the Republika Srpska, continue to obstruct the Tribunal in carrying out its mandate. We agree with Ms. Del Ponte that there should be no safe havens for indicted war criminals.

My delegation calls upon those in a position to do so to make more serious and determined efforts to apprehend and bring to justice those war criminals as soon as possible. Failure to do so would be to send the wrong message to those criminals. It would also, unfortunately, convey a lack of resolve or political will on the part of the international community to deal with these heinous crimes. That is not the kind of message we should be sending.

While arrests of all suspects, including relatively minor characters, are important to the success of the Tribunal, the failure to apprehend those most responsible for the atrocities would cast a dark shadow on the efficacy of the Tribunal. The continued presence of indicted persons in those States and entities, enjoying freedom with impunity, not only sends the wrong message, as I said, but also contributes to sustaining a climate of fear and insecurity that inhibits the return of refugees, particularly in minority areas. The arrest and prosecution of indicted war criminals is not only an issue of justice, but something that would contribute

substantively to the process of healing and reconciliation, and to the attainment and consolidation of peace.

We would like to express our appreciation to Ms. Louise Arbour, the former Prosecutor, for the outstanding way in which she conducted her work during her tenure as Prosecutor. We look forward to working closely with her worthy successor, Ms. Del Ponte, as she carries out her onerous responsibilities.

Malaysia continues to believe that the work of the Tribunals is a vitally important contribution to meting out justice and to the healing process in both regions, which we think will contribute tremendously to strengthening the process of restoring peace, security and stability in these two regions. The Tribunals deserve the unqualified support of the Security Council in all aspects of their work. The Prosecutor of the Tribunals has just made a clear, strong and direct appeal to the Council for such support.

The issue of indicted war criminals still at large and the lack of cooperation extended to the Tribunals must be squarely addressed. The Council must respond appropriately to Ms. Del Ponte's appeal. We cannot disappoint her.

Mr. Burleigh (United States of America): Like other colleagues, I want to thank the Prosecutor, Ms. Del Ponte, for being with us today and for giving us the briefing that we have listened to with great interest. It is our view that regular exchanges between the Tribunals and the Security Council are very welcome, and we look forward to more such exchanges.

We would like to state that already the admirable determination and commitment of Ms. Del Ponte in her new role has been highly appreciated by my Government, and that we have every confidence in her abilities and look forward to a productive working relationship.

I would like also to agree with what Ambassador Greenstock said earlier with regard to our appreciation for the work of the staff of the Tribunals. We appreciate very much their professionalism and dedication, and we hope that Ms. Del Ponte will convey that to them.

The United States, like other colleagues, is deeply concerned about reports of Member States failing to comply with Security Council resolutions. We share the view of other colleagues that it is essential for all Governments to fulfil those obligations, and we thus reiterate the call on all States to cooperate fully with the Tribunals and their organs: specifically, to execute the arrest warrants transmitted to them by the Tribunals and to comply with requests for information and investigations.

In the case of the International Tribunal for the former Yugoslavia, I would like to say that we agree with most of what we have heard from our colleagues this morning, and in particular most recently from Ambassador Hasmy: that one of the greatest challenges confronting the Tribunal for the former Yugoslavia is obtaining custody of indictees still at large. Serbia has made this difficult to achieve by offering de facto sanctuary to indicted fugitives. We agree with the Prosecutor's characterization this morning of the attitude in Belgrade as one of "total defiance". It is our view that this cannot be accepted by the international community.

The Security Council must stand firm in its insistence that Serbia transfer indictees, including the "Vukovar Three", General Mladić, "Arkan" and, ultimately, Slobodan Milošević and his co-indictees. We also believe that it is imperative that Radovan Karadžić face justice before the International Tribunal for the former Yugoslavia. Those indictees not yet in custody must understand that there is absolutely no safe haven for them. We thus do not agree with some of the points made this morning by our Russian colleague on this point.

With regard to Kosovo, it is our view that the Tribunal's work there is of fundamental importance, and we appreciate very much the preliminary status report today. We understand the difficulty of the challenge and also its scope, and if there are additional resources which are needed, including gratis personnel, we hope we will hear directly from the Tribunal about those needs — and we need to hear loudly and clearly from the Tribunal about them.

With regard to Croatia, while we welcome recent cooperation on one important case, there is much work left to be done. We support the International Criminal Tribunal for the Former Yugoslavia's request for cooperation on Operations Storm and Flash, and we strongly urge the Government of Croatia to comply promptly.

In the case of the International Criminal Tribunal for Rwanda, like other colleagues, we note with regret that the Government of Rwanda has suspended cooperation with the Tribunal over a recent court decision, as we

understand it. We understand Rwanda's frustration, but we hope that the Government of Rwanda will reconsider its decision and continue relations with the Tribunal.

We hope the Tribunal in turn can also speed up its work with regard to its responsibilities in Rwanda, and, like Ambassador Fowler, who spoke earlier, we would welcome a report or would like to hear some kind of summary of the opinions and assessment of the Prosecutor after she completes her upcoming trip to Rwanda, which will be her first visit to that country that is important part of her responsibilities.

Like many of our colleagues, we are troubled by the assertion, which we read about and hear about from time to time, that the Security Council is not providing adequate support to the Tribunals, whether political, material or budgetary support. We would like to state here — we have heard similar statements from several of our colleagues — that the United States would support measures in the Council that Council colleagues believe would be effective in improving compliance with the orders of the Tribunals. We also recognize that there are a lot of challenges remaining before the Tribunals, and we are determined to help the Tribunals fulfil their mandates fully. To do this, Member States must provide the Tribunals with sufficient financial and material support. In that regard, it is our hope that the budget requests for the two Tribunals for calendar year 2000 will be approved expeditiously.

Finally, let me thank Prosecutor Del Ponte again for being with us today. I hope that her relationship with the Council will be a regular and close one. In particular, we would welcome hearing about her impressions once she returns from the Rwanda Tribunal.

Mr. van Walsum (Netherlands): Mr. President, the Netherlands joins you and other members of the Council in welcoming Ms. Del Ponte and thanking her for her informative briefing. It really goes without saying that we support her, as we strongly support both the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

As was emphasized by Ms. Del Ponte and other speakers, one of the main issues that the Council should address is State non-compliance with article 29 of the Statute of the International Criminal Tribunal for the Former Yugoslavia. The Netherlands has taken note of President Kirk McDonald's letter of 2 November to the President of the Security Council, including the shockingly long list of reports in the annex to that letter.

In our view, the Tribunals play a particularly important role in the maintenance of peace, justice and reconciliation. They also serve as a trial ground where we are learning important lessons for later use in the establishment of the International Criminal Court. For the Prosecutor to be truly independent, she must be able to perform her duties without hindrance, relying on the full support and cooperation of all States. In this respect, the Netherlands regrets that certain States and entities have consistently failed to meet their responsibility to cooperate with the Tribunal.

Our obvious focus on the non-compliance of the Federal Republic of Yugoslavia, whose President has been indicted by the Tribunal, should not diminish our concern at Croatia's failure to comply with the request of the Prosecutor to hand over documents on Operations Flash and Storm. Although we acknowledge that Croatia has a better record than the Federal Republic of Yugoslavia, Croatia should reconsider its position and comply without delay. These matters cannot remain unresolved.

Would Ms. Del Ponte be in a position to tell the Council a little more about her discussions with the Croatian authorities on this matter? Does the Government of Croatia realize that this issue will not simply go away? The Croatian insistence that Operations Flash and Storm were legitimate is beside the point. What needs to be investigated is whether crimes were committed during these operations. No military action, no matter how justified, is exempt from that scrutiny.

Finally, we would like to wish Ms. Del Ponte every success in the performance of her duties.

Mr. Fonseca (Brazil): I wish to thank the Prosecutor for her briefing and to congratulate the presidency for convening this important meeting. It is indeed useful for the Security Council to hear a briefing by the Prosecutor just a few days after the General Assembly debated the reports of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda.

Brazil joins other delegations in expressing its satisfaction at having Ms. Del Ponte in the Security Council for the first time. We hope to have dialogues like this in the future as well.

We take this opportunity to reiterate our support for her work and our conviction that Ms. Del Ponte will be

able to build upon the good foundations laid by her predecessor, Mrs. Arbour.

I will address very briefly some aspects of the Prosecutor's work in the International Criminal Tribunal for the Former Yugoslavia.

Brazil agrees that the degree of success of the Prosecutor's work depends to a large extent on the cooperation she receives from Member States, in particular the States and entities of the region. We consider that any kind of obstruction or non-compliance is not to be tolerated. The work of the Tribunal should be free of political considerations, and the difficulties in her work that she has just mentioned are reason for grave concern, especially the resistance of States to accepting the jurisdiction of the Tribunal and the provision of de facto sanctuaries for indicted criminals. In this regard, the presence of Ms. Del Ponte here today is extremely useful for showing the international community that the Security Council supports the office of the Prosecutor effectively.

The challenges facing Ms. Del Ponte, as well as the attention devoted to her work by the international community, were considerably increased by the events in Kosovo. The preliminary findings in Kosovo are showing how imperative the creation of the Tribunal was, not only as an instrument for justice to be done, but also as a foundation for the reconciliation of the people of Kosovo.

I would like also to mention very briefly the International Criminal Tribunal for Rwanda. I welcome the fact that the Rwanda Tribunal was able to deliver, in the period covered by the report, its first four judgements, including the historical, ground-breaking conviction of Akayesu for genocide and crimes against humanity.

The task of the Prosecutor is a difficult and noble one. In her work the best ideals of an international order founded on law and justice find clear expression. That is why the Security Council, and, indeed, the entire international community, has an ethical and legal obligation to support the work of the Prosecutor.

I wish you, Ms. Del Ponte, all success in your work from now on.

Mr. Jagne (Gambia): My delegation is grateful to the Prosecutor, Ms. Carla Del Ponte, for her comprehensive briefing and for the amount of work she has done so far since taking office. We anxiously look forward to her visit to Rwanda, and we will reserve our comments on the work of the Rwanda Tribunal until she has the opportunity to visit that country.

We are tempted, though, to commend a number of African countries for their cooperation with the Rwanda Tribunal. It is as a result of such cooperation that during previous briefings the relative success of the Rwanda Tribunal was mentioned.

What do we learn from this? The answer is simple. The cooperation of States is indispensable. Otherwise, there is very little that these Tribunals can do to bring these criminals to justice. This is why we believe that, with regard to the Tribunal for the former Yugoslavia, the States concerned should cooperate with the Prosecutor by arresting without further delay the war criminals who have been indicted. If safe havens continue to be provided for those on the run, our collective endeavour to promote international criminal law will be seriously undermined, and, indeed, the powerful mechanisms for the enforcement of international humanitarian law, which these two Tribunals are meant to embody, would end up devoid of any *raison d'être*.

We note with satisfaction that the Stabilization Force (SFOR) is cooperating with the Office of the Prosecutor, but we deplore the fact that some indictees are beyond the reach of SFOR because they are being given protection by some States. The forensic and other evidence gathered so far is compelling enough to convince those States that are swimming against the tide to change their minds and cooperate with the Office of the Prosecutor. If not, this Council should assume its responsibility fully.

We can understand why the Prosecutor emphasized that her Office is not seeking the Council's support lightly. We hope that the Council's support will not be found wanting. Let us not let her down. We cannot afford to let her down.

We hope that the Prosecutor's appeal will not fall on deaf ears this time. We wish Ms. Del Ponte success in her endeavour.

Mr. Buallay (Bahrain) (*spoke in Arabic*): Given the impressive number of mass graves and victims found in Bosnia and Herzegovina and Kosovo, the number of individuals indicted seems remarkably low. If we consider the massacres and the savage brutality of the acts that have been committed, the question that arises is, what seems to be the problem? Why is there such a clear

imbalance between the number of victims and the number of individuals who have been indicted and brought to trial? This is especially true in the case of high officials and leaders. The commanders who directed these massacres in Bosnia and then reappeared in Kosovo remain at large. Have modern investigative methods, including the use of satellite technology, proved powerless in identifying these people, or are there some parties that do not wish to bring them to justice? What are the true reasons? We are bound to note in this regard that when it comes to bringing these people to justice the system appears to be very soft, and the evidence will likely disappear over time.

Ms. Del Ponte, like her predecessor, has told us that it is often impossible to rely on the cooperation of States that are in a position to give information concerning the indictees, with a view to bringing them to justice. She has reported that these States do not always provide the evidence requested of them, a matter we cannot understand.

We also fail to understand this kind of justice that is based on tardy cooperation with the Tribunal that the Council set up for this purpose. Do we need more convincing evidence than the mass graves? We know that there are victims who were killed under the most appalling circumstances, reminiscent of the Dark Ages. We would like to warn against these tendencies of delay, leniency and non-cooperation with the Tribunal, which can only have gravely detrimental effects.

We would like to sound an alert concerning the criminals who remain at large and who, unfortunately, would not be deterred from committing other horrible crimes if not brought to justice. This situation must not be allowed to continue.

Mr. Moungara-Moussotsi (Gabon) (*spoke in French*): We, too, would like to thank Ms. Del Ponte for the report she has just made to the Council, and we encourage her in her initiative to visit the former Yugoslavia and, soon, Rwanda.

In our opinion, it is undeniable that the establishment of the International Criminal Tribunals in order to deal with serious violations of human dignity represented the absolute rejection of the culture of impunity in connection with any kind of atrocities, wherever they may occur. The violations of human rights that occurred in the Balkans and in Rwanda took place in deliberate defiance of the world's conscience. Therefore, it is perfectly logical, proper and legitimate that the international community, through the Security Council, should have set up these two bodies.

Accordingly, my delegation believes that all States have a duty to cooperate fully with the Tribunals without seeking in any way whatsoever to influence the way they operate. We would like to pay a well-deserved tribute to the Stabilization Force for its work in the arresting of criminals, and we thank those countries that have contributed to investigations. For its part, my country, which appreciates the two Tribunals' commendable work, will do its best to cooperate fully.

In conclusion, I would be remiss if I did not wish Ms. Del Ponte every success in her work.

Mr. Theron (Namibia): May I commend you, Mr. President, and your delegation for organizing this important meeting. We would also like to welcome Ms. Carla Del Ponte and thank her for her useful briefing.

My delegation attaches great value to the work of the International Criminal Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda. We commend the Prosecutors, Judges and staff of the Tribunals for their efforts to promote justice, and we encourage them to continue. We appreciate Ms. Del Ponte's active personal involvement in the pursuit of justice, and we think the visit she intends to make to Rwanda will give added impetus to this cause.

As Ms. Del Ponte has correctly stated, the effective functioning of the Tribunals is subject to the cooperation of Member States. We therefore call for the continued cooperation of Member States in the execution of arrest warrants and in effecting the relocation of witnesses to third-party States. Similarly, the appeal of the Secretary-General for the provision of prison facilities for the incarceration of persons convicted by the Rwanda Tribunal should also be positively considered by those Member States that are in a position to do so. It is absolutely essential that both Tribunals be provided with the necessary resources to carry out their mandates.

Lastly, my delegation, like that of Canada and others, also looks forward to a more detailed report from Ms. Del Ponte following her visit to Rwanda.

The President: I thank the representative of Namibia for his kind words addressed to me.

I shall now make a statement in my capacity as the representative of Slovenia.

I should like to start by joining other colleagues on the Council in their expressions of appreciation to Ms. Del Ponte for her very substantive briefing. Like many others, we are looking forward to her further briefings, including in particular her report on her visit to Rwanda, which I hope will give another opportunity for a meeting of the Security Council with Ms. Del Ponte, so that the issues relating to that Tribunal can be fully discussed. We also agree with the many expressions of support that Ms. Del Ponte has received in the course of the discussion today.

The evolution of the Tribunals and the work of the Prosecutors has been impressive so far. I think that that is the basic point which needs to be stressed. In a very short time, important and effective judicial institutions have been created. This is a major achievement of international cooperation. A real basis has been created for a comprehensive system of international criminal justice. This point cannot be overemphasized.

Such an evolution is due to several factors, including, certainly, to the inherent importance of these judicial institutions and the support of the international community, including the international legal professional community. But above all, that evolution has been possible because of the professionalism, integrity and strong commitment of the judges, prosecutors and other personnel working in the institutions I have mentioned.

Ms. Del Ponte also explained some of the problems, especially that of non-cooperation by some States and entities with the Prosecutor. I think that the basic principle here is that the indicted persons must be transferred to the Tribunal for trial and that the jurisdiction of the Tribunal and the Prosecutor cannot be challenged by States. This is the basic principle, which I think is undisputed in the Security Council.

The real question before the Security Council now is whether and what kind of additional decisions by the Council may be necessary. Members of the Council have referred to possible further measures, which is something that the Council should be thinking about further. In our opinion, it would be important for the Council to start a process of further, more detailed consideration of which steps are to be taken next. The Security Council has the responsibility to provide support and strengthen the effectiveness of the judicial bodies it has created. I would like to invite the Council members to think about how to start such a process.

I now resume my function as President of the Security Council.

I give the floor to Ms. Del Ponte to respond to the comments and questions raised.

Ms. Del Ponte (*spoke in French*): Allow me first to thank all the members of the Security Council for their words of encouragement and congratulation addressed not only to me, but also and foremost to all my colleagues, who have been engaged in this often very difficult work for many years. I would mention that my Deputy Prosecutor, who is seated behind me, has been with the Tribunal since its establishment and is an extremely valuable colleague.

I wish to offer some brief explanations in connection with the questions that have been asked.

First, I will speak to our material and personnel needs. We are here to address the Fifth Committee. We have made what I would describe as a modest request. We have asked for 41 additional posts, 27 of which are solely for investigations in Kosovo. In Kosovo, we have opened 160 mass graves and more than 300 remain to be opened. I believe that this must be done next year. I do not want to leave these corpses in their graves for several years simply because I cannot extract them. I want to do everything I can to get them out next year so that we may get a clear picture of the magnitude of this disaster. Thus, of the 41 posts I have requested, 27 are solely for Kosovo.

I will not trouble members with descriptions of the other posts I have requested, but I will say that I have requested two posts for a financial team. We are going to establish a financial team because fugitives require funding in order to remain at large. I have some indication that their money may also be linked to acts of corruption committed in order to finance their flight. I feel that it is the responsibility of the Prosecutor to confiscate the assets in the fugitives' bank accounts so that, when these cases come to trial, the judges may determine who is to receive the monies impounded by my Office. In this respect, I am of course thinking especially of the families of the victims.

I wish now to address the obstacles we have encountered, especially the length of trials and preventive detention. This is a matter that we are addressing and I sincerely hope that we will be able to find solutions. The biggest problem, in my opinion, is the length of preventive detention. Once an arrest is made, the Office of the Prosecutor is ready to go to trial in 30 to 60 days, but since there are trials under way and the Trial Chambers are occupied, it is not possible to open new trials. Thus, preventive detention may be protracted. This is of growing concern to me. I would point to the statistics. At the moment, we have three trials under way, but eight indictments ready to go to trial. We do not yet know when a date can be set for these cases.

As to the nature of our investigative activities, I have heard that we are suspected of carrying out one-sided investigations. This is not true and I absolutely refute that assertion. It is not true, but I can understand that the data uncovered by our investigations are not considered official by everyone, especially when an indictment has yet to be issued. I can assure the members of the Security Council that my Office is undertaking investigations in which the accused are not only Serbs, but also Muslims and members of the Kosovo Liberation Army (KLA). In this regard, I wish to say that the difficulty in investigating KLA suspects arises from the attitude of the former Yugoslavia and Serbia. Many Serbian victims involved in our investigations have taken refuge in Serbia. We have no access to Serbia; we cannot go there; we have had to close our office in Belgrade. If it is not possible to re-open that office and gain access to the victims, those investigations will have trouble producing results. We are trying to get there and hope that indictments will be issued next year.

Regarding the problem with Croatia, the Croatian Minister of Justice and Minister of Foreign Affairs perhaps had the most dealings with us during our visit to Zagreb. The key point is that the Croatian Minister of Justice challenges the jurisdiction of the Tribunal. I have tried to make the political authorities understand that challenging jurisdiction is done during the trial. It cannot be done before the trial has begun, as in general we cannot accept that kind of exception. I am ready to find a solution to this problem with the Government of Croatia, but the fact that it denies my jurisdiction makes it very hard for me even to engage in discussion.

During my visit to Bosnia and Herzegovina I went to the Republika Srpska and met with the Prime Minister, who stated the intention to cooperate more with us, in a positive way. I alerted him to the fact that probably in that Republic there are approximately 25 fugitives. I very much hope that the verbal assurances we received from the Prime Minister will soon be translated into arrests.

Regarding the sealed indictments, it is true that they are indictments that are not made public. I would simply like to say that in national systems no indictments are published on the Internet or in the press before they are executed. We are working along the same lines. I would also like to say that my predecessor, Louise Arbour, found that that investigative method was very important and received the blessing of the Trial Chamber and the Appeals Chamber, so juridically and judicially it is provided for in the rules and our Statutes. I intend to continue using sealed indictments, since I have more than 30 fugitives who have not yet been arrested, although the arrest warrants date back three or four years. I say to the States concerned in particular that I am ready to discuss these sealed indictments, but after those States have arrested all the individuals still at large.

I should like to say a final word on Rwanda. It is true that I shall be visiting Rwanda. I shall be addressing matters very closely. A problem has arisen, but the Appeals Chamber, in its decision, ruled that the detained person should be transferred to the State of Cameroon. This does not mean that an African State cannot intervene to open a criminal investigation of a suspect against whom — I am assured, but I shall go and see — there is very strong evidence. I will return to the Council with further information on Rwanda.

The President: I thank Ms. Del Ponte for the clarifications and answers she has provided.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 1.05 p.m.